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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 5929/2024**

SH DAVINDER KUMAR & ORS.

.....Petitioners

Through: Mr.Naveen Kumar, Mr.Kunal Rexwal
and Mr.Anshul Garg, Advocates
alongwith petitioners

versus

STATE NCT OF DELHI & ORS.

.....Respondents

Through: Ms.Kiran Bairwa, APP for the State
Mr.Aayushman Shukla, Advocate for
R-2 (Through VC)

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

18.11.2024

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1. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of FIR No. 0218/2024 registered under Sections 308/323/341/506/34 IPC at Police Station Maidan Garhi, District South, New Delhi, and all the other proceedings emanating therefrom.
2. The FIR in question was lodged on the statement made by respondent No.2. The cross FIR bearing No. 0219/2024 was lodged on the statement made by petitioner No.1 herein, pertains to the same incident, which were registered on 13.05.2024.
3. Predominantly, the cause of the dispute was the installation of the water connection. Both parties are related to each other and are



neighbours also. Now, they have entered into the settlement on the following terms and conditions:-

“1. The both the Parties agrees to withdraw/quash the FIR No.218/2024, u/s 308/323/341/506/34 IPC and FIR No. 219/2014, u/s 325/323/341/506/34 IPC registered in Police station Maidan Garhi against each other, both the parties give their consent and agrees to cooperate in the quashing of both the FIR registered against each other.

2. That both the parties undertake not to file any further complaints/cases against each other or against their family members regarding the dispute arise from the alleged incident dated 12.4.2024.

3. That both the parties have mutually agreed that they shall not institute, file and proceed with any fresh or complaint, litigation either civil or criminal nature against each other in future and with draw all the cases and complaints filed by both the parties after execution of present deed.

4. That now both the parties have no grievances of any nature against each other.”

4. The minors have been represented by their natural guardians. No other criminal case is pending against the petitioners. Both the parties are present in Court and have duly been identified by the Investigation Officer. Respondents No. 2 and 3 submit that they have entered into the settlement voluntarily without any fear, force, or coercion.
5. The High Court is the highest court of the State and is conferred with the power of control and superintendence over all courts subordinate to it. Besides Articles 226 and 227, Section 482 CrPC also acknowledges the inherent power of the high court to secure the ends of justice. In cases where the offences are not compoundable in nature, the parties on account of an amicable settlement invoke the inherent power under Section 482 Cr.P.C. for quashing the



proceedings on the plea that continuance thereof would merely be an abuse of process of law.

6. The Courts have repeatedly held that if the dispute is private in nature and parties have entered into the settlement at their own free will, the quashing of the proceedings may be done. However, the Courts have to satisfy themselves that the settlement so entered into is within the four corners of the law.
7. In the case of *Narinder Singh & Ors. V. State of Punjab & Anr.* (2014) 6 SCC 466, it was *inter-alia* held that criminal cases having overwhelmingly and predominantly of civil character should be quashed when the parties have resolved their entire disputes among themselves. Therefore, in the present case, predominantly, it is a private dispute and the parties have settled the matter.
8. Taking into account the totality of facts and circumstances of the case, this Court considers that the parties have entered into an amicable settlement out of their own free will, without any fear, force or coercion and they should be given an opportunity to lead their lives peacefully. No purpose will be served in continuing with the trial.
9. In view of the above, FIR No. 0218/2024 registered under Sections 308/323/341/506/34 IPC at Police Station Maidan Garhi, District South, New Delhi and all the other proceedings emanating therefrom are quashed.
10. The present petition stands disposed of.

DINESH KUMAR SHARMA, J

NOVEMBER 18, 2024/Dy/ht..