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

+ **CRL.M.C. 6059/2024**

ANIL KUMAR AND OTHERS

.....Petitioners

Through: Mr. Utsav Pandey, Adv. with
petitioners.

versus

STATE GOVT OF NCT OF DELHI AND ANOTHER

.....Respondents

Through: Ms. Kiran Bairwa, APP for State and
SI Sanjeet Dubey, PS Bhalswa Dairy.
Mr. Inderjeet, Adv. with R-2.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

28.08.2024

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CRL.M.A. 23164/2024

1. Exemption allowed, subject to all just exceptions.
2. Application stands disposed of.

CRL.M.C. 6059/2024

3. The present petition has been filed under Section 528 BNSS r/w Section 482 Cr.P.C. seeking quashing of case FIR No. 306/2017 under Section 308/34 IPC dated 14.05.2017 registered at PS Bhalswa Dairy, Delhi and all other proceedings emanating therefrom.
4. Briefly stated the facts of the case as per the FIR are that the respondent no.2/ complainant works in a factory situated in front of the house of the petitioners. It was further stated that on 14.05.2017 around 9:00 am the petitioners cornered the respondent no.2/ complainant and started beating him up. One of the accused even used an iron rod to hit the



complainant, pursuant to which the respondent no.2/ complainant was taken to BJRM Hospital.

5. Learned counsel for the petitioner submits that the FIR was lodged on the statement of respondent No.2 pursuant to a scuffle between the parties. After investigation, the charge-sheet has also been filed u/s 308/34 IPC. It is further submitted that the parties are neighbors/residents of the same vicinity and hence with the intervention of friends and family, both the parties have amicably settled the matter vide compromise/settlement deed dated 26.07.2024 on the following terms and conditions:

“AND WHEREAS, on the statement/complaint of the complainant/second party no.1 Sh. Chander Bhan, a FIR No.306/2017 under Sections 308, 34 of Indian Penal Code was registered against the First Party/accused persons at Police Station Bhalswa Dairy, Delhi on dated 14.05.2017 which is pending trial before the Hon'ble Court of Sh. Dhirender Rana, Ld. ASJ/ Special judge-NDPS, North District, Rohini Courts, Delhi titled as State Vs. Anil Kumar & Ors., vide S.C. No.45/2024 and now fixed for 03.08.2024.

AND WHEREAS, on the statement/complaint of First Party no.1 Sh. Anil Kumar, a cross FIR bearing No.307/2017 under Sections 308, 34 of Indian Penal Code was also registered against all the Second Party at Police Station Bhalswa Dairy, Delhi on dated 14.05.2017 which is pending trial before the Hon'ble Court of Sh. Dhirender Rana, Ld. ASJ/ Special Judge-NDPS, North District, Rohini Courts, Delhi titled as State Vs. Chander Bhan & Ors. vide S.C. No.88/2019 and now fixed for 03.08.2024.

AND WHEREAS, both the parties are neighbours/residents of the same vicinity and hence with the intervention of respectable persons of the society/neighbourhood, friends, family members and other society persons, both the parties have amicably settled all their disputes and differences with



regard to the abovesaid both FIRs.

AND WHEREAS, in view of the abovesaid settlement, both the parties to this deed do not want to proceed against each other in the said FIRs and both the parties want to lead their lives peacefully in future without any interference from each other.

AND WHEREAS, both the parties have given their respective consents to each other for quashing of the abovesaid FIRs before the Hon'ble High Court of Delhi and the complainants of both the FIRs undertake to cooperate each other in getting the abovesaid FIRs together with its pending criminal proceedings emanating therefrom quashed before the Hon'ble High Court of Delhi. The respective quashing petitions shall be filed by both the parties within 5 days from the date of signing of this settlement.

AND WHEREAS, both the parties have compromised the disputes concerning the said FIRs with each other with their respective sweet will, desire without any pressure, coercion or threat from any corner. This settlement has been arrived to keep peace in the neighbourhood.

AND WHEREAS, both the parties undertake not to file any other or further litigation/case/FIR pertaining to the dispute in question before any court of law and authorities and if any initiated without the knowledge of other party, the same would be treated as null and void.”

6. Furthermore, the Learned Counsel for the petitioners submits that since the parties have resolved all their differences amicably, therefore, it would be in the interest of justice to quash FIR No. 306/2017 under Section 308/34 IPC registered at PS Bhalswa Dairy and all the proceedings emanating therefrom.
7. Both parties are present in court and have duly been identified by the IO. Parties also submit that they have entered the settlement voluntarily without any fear, force or coercion.



8. The Apex court has time and again held that the High Court is entitled to quash a proceeding if it comes to a conclusion that allowing the proceeding to continue would be an abuse of the process of the court or would not lead to the ends of justice.
9. Reliance can be placed on *Arun Singh and Others vs. State of Uttar Pradesh through Secretary and another* (2020) 3 SCC 736 wherein correctional objective of criminal law was given more weightage than the theory of deterrent punishment. It was inter alia held that in such cases, the court may be of the opinion that a settlement between the parties would lead to better relations between them and would resolve a festering private dispute and thus may exercise power under Section 482 Cr.P.C. for quashing the proceedings or the complaint or the FIR as the case may be.
10. I have gone through the settlement. Now since the parties, who are neighbours, have decided to settle the matter and they have cleared all their disputes, it would be in the interest of justice that the matter is put to quietus.
11. In view of the above, FIR No. 306/2017 under Section 308/34 IPC dated 14.05.2017 registered at PS Bhalswa Dairy, Delhi and all the other proceedings emanating therefrom are quashed.
12. The present petition along with all the pending applications stand disposed of.

DINESH KUMAR SHARMA, J

AUGUST 28, 2024/AR/KR..