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

+ **W.P.(CRL) 2375/2024**

DEEPAK CHAUDHRY ORS.

.....Petitioners

Through: Mr. Anurag Jain (D-641/2000),
Advocate.

versus

STATE(GOVT. OF NCT OF DELHI) & ANR.Respondents

Through: Mr. Sanjay Lao, Standing Counsel for
the State with Mr. Abhinav Kumar
Arya, Advocate.

Mr. Ujwal Ghai, Advocate for R-2
along with Respondent No.2 in
person.

SI Kanhaiya Lal (D-6820), PS
Shahdara.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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06.08.2024

CRL.M.A. 23187/2024 (Exemption)

Allowed, subject to all just exceptions.

W.P.(CRL) 2375/2024

1. The present writ petition under Article 226 of the Constitution of India read with Section 482 Cr.P.C has been filed by the Petitioners for quashing FIR No.178/2024 dated 01.04.2024, registered at Police Station Shahdara for offences punishable under Sections 308/506/427/34 IPC on the ground that the parties have entered into an amicable settlement.



2. The present FIR is an outcome of a dispute between the Petitioners and the Respondent No.2/complainant. It is alleged in the FIR that the Respondent No.2/complainant and his friend was beaten up by the Petitioners and, therefore, on the complaint of Respondent No.2/complainant, the present FIR has been registered against the Petitioners.

3. It is stated that the parties have settled all their disputes amicably by a Compromise Deed dated 04.07.2024. A copy of the said Compromise Deed dated 04.07.2024 has been annexed with the present petition as Annexure-B. As per the Compromise Deed dated 04.07.2024, the parties have agreed to settle all their disputes amicably and it is stated that the Respondent No.2/complainant does not have any objection if the present FIR and all the proceedings emanating therefrom are quashed in terms of the Settlement.

4. The Petitioners and the Respondent No.2/complainant are present in Court today. The Petitioners have been identified by their Counsel and the Investigating Officer. The Respondent No.2/complainant has been identified by his Counsel and the Investigating Officer. The Respondent No.2/complainant, who is present in Court today, states that he has settled all the disputes with the Petitioners out of his own free will, without pressure, coercion or undue influence and does not want to pursue the present case any further and requests that the present FIR and the proceedings emanating therefrom may be quashed. The parties undertake that they will remain bound by the terms of the settlement arrived at between them and the proceedings recorded before this Court.



5. In view of the law laid down by the Supreme Court in Gian Singh vs. State of Punjab, (2012) 10 SCC 303 and in view of the settlement arrived at between the parties, this Court is of the opinion that no useful purpose would be served in continuing with the present proceedings. Resultantly, the FIR No.178/2024 dated 01.04.2024, registered at Police Station Shahdara for offences punishable under Sections 308/506/427/34 IPC and the proceedings emanating therefrom are hereby quashed. The parties shall remain bound by the terms of the settlement and the undertaking given to the Court.

6. Considering the nature of offence, this Court is of the opinion that the Petitioners cannot be left scot free only because the Respondent No.2/complainant has decided to enter into a settlement with the Petitioners. The Petitioners must realize that they cannot take the Courts for granted and the Petitioners cannot get a feeling that they could get away with the crime by entering into a settlement with the victim. This Court is, therefore, inclined to impose costs of Rs.10,000/- each on the Petitioners so that the Petitioner does not repeat such kind of offences in future. Accordingly, the Petitioners are directed to deposit a sum of Rs.10,000/- each with the “*Armed Forces Battle Casualties Welfare Fund*” within four weeks from today. A copy of the receipt be given to the Investigating Officer and also be filed with the Registry of this Court to show compliance of the Order within four weeks thereafter.

7. This Court also feels it necessary that the Petitioners must do some community service. Accordingly, the Petitioners are directed to do community service in the following manner:-



- i. The Petitioner No.1/Deepak Chaudhry is directed to do community service at LNJP Hospital, Delhi for a period of one month i.e. from 16.08.2024 to 16.09.2024. The Petitioner No.1 shall report to the Medical Superintendent, LNJP Hospital on 16.08.2024. The Petitioner No.1 shall report to the duty assigned to him by Medical Superintendent, LNJP Hospital at 09:00 AM everyday for a period of one month. After completion of one month community service, a certificate from the Medical Superintendent, LNJP Hospital be also filed to show compliance of the order of this Court.
- ii. The Petitioner No.2/Lakshay Mandar is directed to do community service at Safdarjung Hospital, Delhi for a period of one month i.e. from 16.08.2024 to 16.09.2024. The Petitioner No.2 shall report to the Medical Superintendent, Safdarjung Hospital on 16.08.2024. The Petitioner No.2 shall report to the duty assigned to him by Medical Superintendent, Safdarjung Hospital at 09:00 AM everyday for a period of one month. After completion of one month community service, a certificate from the Medical Superintendent, Safdarjung Hospital be also filed to show compliance of the order of this Court.
- iii. The Petitioner No.3/Priyanshu Nagar is directed to do community service at Dr. RML Hospital, Delhi for a period of one month i.e. from 16.08.2024 to 16.09.2024. The Petitioner No.3 shall report to the Medical Superintendent, Dr. RML Hospital on 16.08.2024. The Petitioner No.3 shall report to the



duty assigned to him by Medical Superintendent, Dr. RML Hospital at 09:00 AM everyday for a period of one month. After completion of one month community service, a certificate from the Medical Superintendent, Dr. RML Hospital be also filed to show compliance of the order of this Court.

- iv. The Petitioner No.4/Vinit Mandar is directed to do community service at G.B. Pant Hospital, Delhi for a period of one month i.e. from 16.08.2024 to 16.09.2024. The Petitioner No.4 shall report to the Medical Superintendent, G.B. Pant Hospital on 16.08.2024. The Petitioner No.4 shall report to the duty assigned to him by Medical Superintendent, G.B. Pant Hospital at 09:00 AM everyday for a period of one month. After completion of one month community service, a certificate from the Medical Superintendent, G.B. Pant Hospital be also filed to show compliance of the order of this Court.
- v. The Petitioner No.5/Samarth Choudhary is directed to do community service at Sardar Vallabh Bhai Patel Hospital, Delhi for a period of one month i.e. from 16.08.2024 to 16.09.2024. The Petitioner No.5 shall report to the Medical Superintendent, Sardar Vallabh Bhai Patel Hospital on 16.08.2024. The Petitioner No.5 shall report to the duty assigned to him by Medical Superintendent, Sardar Vallabh Bhai Patel Hospital at 09:00 AM everyday for a period of one month. After completion of one month community service, a certificate from



the Medical Superintendent, Sardar Vallabh Bhai Patel Hospital
be also filed to show compliance of the order of this Court.

8. In case of any absenteeism/default or any misbehaviour on the part of the Petitioners during the period they have been directed to perform the community service, the same shall be conveyed immediately by the Medical Superintendent to the concerned SHO/IO, who shall in turn inform the learned APP for the State, for bringing the same to the notice of this Court and for seeking recall of the order passed today.

9. The Petitioners are also directed to plant 10 trees each at their own expense in their locality and nurture them. The Investigating Officer is directed to ensure that the trees are planted by the Petitioners and a Compliance Report regarding the same shall also be filed before this Court.

10. With the above directions, the petition is disposed of, along with the pending application(s), if any.

SUBRAMONIUM PRASAD, J

AUGUST 06, 2024

S. Zakir