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

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+ CRL.M.C. 6091/2024

ALKA SHARMA & ANR.

.....Petitioners

Through: Mr. Vishal Sharma, Adv. with
Petitioner.

versus

STATE & ANR.

.....Respondents

Through: Ms. Kiran Bairwa, APP for the State
with SI Ajay Kumar, PS Aman Vihar
Mr. Rakesh Chauhan, Ms. Smritee
Relan, Advs. for respondent
Respondent No.2 in person.

26

+ CRL.M.C. 6115/2024

MUKESH KUMAR AND ORS

....Petitioners

Through: Mr. Rakesh Chauhan, Ms. Smritee
Relan, Advs.

versus

STATE NCT OF DELHI AND ANR

.....Respondents

Through: Ms. Kiran Bairwa, APP for the State
with SI Ajay Kumar, PS Aman Vihar
Mr. Vishal Sharma, Adv. with R-2

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

23.09.2024

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CRL.M.A. 23334/2024 in CRL.M.C. 6091/2024

CRL.M.A. 23389/2024 in CRL.M.C. 6115/2024



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

CRL.M.C. 6091/2024

CRL.M.C. 6115/2024

3. The present petitions have been filed under Section 482 Cr.P.C. seeking quashing of case FIR No. 266/2020 under Section 354/354A/506/509/34 IPC registered at PS Aman Vihar, Delhi and FIR No. 959/2022 under Section 323/341/354/506/509/34 IPC registered at PS Aman Vihar.
4. Learned counsels for the parties submit that both the FIRs are related to the same incident. The complainants in both the cases submit that in fact it was a minor altercation on the issues of some encroachment and drainage pipe issue. Both the parties submit that due to some misunderstanding the FIRs were lodged. It has been submitted that the parties are neighbours and are now residing peacefully. However, now the parties have settled their disputes amicably.
5. The parties have entered into a Memorandum of Understanding/Settlement dated 09.08.2024 on the terms and conditions:

“1. That the parties shall not abuse/beat/taunt/agitate each other and that they shall not level any allegation against each other and shall give due respect to each other.

2. That both the parties shall not initiate any legal action against each other by any manner whatsoever in any court of law after the execution of the present MOU/Settlement.

3. That all the parties of this MOU have settled all their disputes amicably and shall bound by the terms of the



statements and shall not file any case against each other after the execution of the present Settlement/MOU.

4. That all the parties of the Settlement/MOU shall be bound by the terms and conditions as agreed amongst the parties in the present settlement.

5. That the present settlement has been arrived amongst the parties without any force, pressure or coercion from any corner.

6. It is also submitted that there is no exchange of any consideration between the party.

7. That all the parties to this MOU have understood the facts in their vernacular language, admit the same as true and correct and are bound by the same.

8. It Is settled between the parties that they will cooperate in getting the FIR quashed.”

6. Both parties are present in court and have been duly identified by the IO. Both parties state that is a petty fight and the same shall not be repeated. The parties further state that the settlement is out of their own free will, without any force, threat or coercion.
7. It is settled that the inherent powers under section 482 of the Code are required to be exercised to secure the ends of justice or to prevent abuse of the process of any court. Further, the High Court can quash non- compoundable offences after considering the nature of the offence and the amicable settlement between the concerned parties. In the case of ***Laishram Premila Devi & Ors v. The State & Ors*** CRL.M.C. 533/2021 this Court quashed the FIR's relating to a small fight between neighbours, regarding parking, being escalated and eventually leading to abuse of the process of law.



8. Moreover, where the High Court is convinced that the offences are entirely personal in nature and therefore do not affect public peace or tranquillity and where it feels that quashing of such proceedings on account of compromise would bring about peace and would secure ends of justice, it should not hesitate to quash them. The same is *interalia* observed in ***Sunil Malhotra & Anr. V. The State of Delhi and Anr.*** CRL.M.C. 2167/2023.
9. Taking into account the totality of facts and circumstances, FIR No. 266/2020 under Section 354/354A/506/509/34 IPC registered at PS Aman Vihar, Delhi and FIR No. 959/2022 under Section 323/341/354/506/509/34 IPC registered at PS Aman Vihar and all other proceedings emanating therefrom, are hereby quashed.
10. In view of the above, the present petitions along with pending applications stands disposed of.

DINESH KUMAR SHARMA, J

SEPTEMBER 23, 2024/AR/KR..