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

+ CRL.M.C. 6129/2024

MOHD. SHANU & ANR.

.....Petitioners

Through: Mr.Rajesh Tiwari, Advocate with
petitioners in person.

versus

STATE GOVT. OF NCT OF DELHI & ANR.Respondents

Through: Mr. Satish Kumar, APP for the State
with SI Kavish Rana PS Laxmi Nagar
Respondent No. 2 in person.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

03.12.2024

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1. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 has been filed by the petitioners seeking quashing of FIR No. 1539/2015 registered at Police Station Shakarpur, under Sections 308/341/34 of the Indian Penal Code, 1860 (hereinafter "IPC").

2. The brief facts of the case are that the complainant/respondent no. 2 filed the instant FIR pursuant to a scuffle that broke out between him and the petitioner near the Laxmi Nagar Metro Station on 27th June, 2015. It is alleged in the FIR that the complainant was physically assaulted by the petitioners. The chargesheet has been filed against the petitioners in the present case. Hence, the present petition was filed before this Court.

3. Learned Counsel appearing on behalf of the petitioners submitted that



a settlement has been arrived at between the parties to the petition *vide* a settlement deed dated 5th February, 2024 annexed in W.P.(CrI.) 2950/2024 filed by the respondent No.2 in relation to a cross FIR bearing No. 1405/2015, registered Police Station Shakarpur under Sections 323/308 r/w Section 34 of the IPC.

4. It is submitted that the said settlement deed 5th February, 2024 is in relation to both the FIRs i.e., FIR No. 1539/2015 and 1405/2015 both registered at Police Station Shakarpur. It is further submitted that no useful purpose would be served by the continuation of the proceedings in relation to the present FIR.

5. The Investigating Officer of the case is present and has identified the petitioner Nos. 1 and 2, who are present today in the Court. The Investigating Officer has also identified the respondent No.2, who is the complainant in the said FIR.

6. On query, the respondent no. 2 has affirmed the factum of the settlement arrived at between him and the petitioners without any monetary consideration in terms of the settlement deed dated 5th February, 2024 in both the cross FIRs. In reply to a specific Court query, the respondent No.2 has stated that he has settled the matter with the petitioners voluntarily on his own accord without any duress, coercion or pressure from any quarter.

7. Learned APP appearing on behalf of the State submitted that there is no opposition to the prayer made by the petitioners seeking the quashing of the FIR in question in view of the settlement arrived at between the parties.

8. It is prayed that the instant FIR be quashed on the basis of settlement between the parties.

9. The instant criminal proceedings is in respect of non-compoundable



offences and in such cases, it is settled law that High Court is also required to consider the conduct and antecedents of the accused in order to ascertain that the settlement has been entered into by his own free will and has not been imposed upon him by the petitioner or any person related to him. In the present case, the complainant is present in Court and has categorically stated that he has entered into compromise and settled the entire disputes amicably with the petitioner by her own free will without any pressure or coercion. There is also no allegation from respondent no.2 that the conduct and antecedents of petitioners have been bad towards him after the compromise.

10. In the case of ***State of Madhya Pradesh vs. Laxmi Narayan and Ors.***, (2019) 5 SCC 688, the Hon'ble Supreme Court held that the powers conferred under Section 482 of the Cr.P.C, can be exercised by the Courts to quash the criminal proceedings featuring non-compoundable offences.

11. The Hon'ble Supreme Court in ***Gian Singh vs. State of Punjab***, (2012) 10 SCC 303 held that the even a non-compoundable offences can be quashed by the Court in exercise of its inherent powers under Section 482 of the CrPC, if the circumstances so warrant.

12. In the instant case, as stated above, the parties have reached a compromise and amicably settled the entire disputes without any pressure. In view of the settlement arrived at between the parties, the present petition is allowed.

13. The offence punishable under Section 308 of the IPC is non-compoundable in nature, however, if the Court is satisfied that continuing the criminal proceedings will be a futile exercise as the dispute between the parties has been put to an end and peace has been restored, it can be ordered that the FIR may be quashed as it is the Court's duty to prevent continuation



of any unnecessary judicial process.

14. In view of the above thereof, considering that the parties have arrived at a settlement and that peace has been restored between them, the continuation of the present proceedings would be futile and the interest of justice demands that the present dispute be put to an end.

15. Therefore, FIR No. 1539/2015 registered at Police Station Shakarpur, under Sections 308/341/34 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom against the petitioners are thereby quashed.

16. The petition along with any accompanying application is accordingly disposed of.

CHANDRA DHARI SINGH, J

DECEMBER 3, 2024
SV/ST

Click here to check corrigendum, if any