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

+ CRL.M.C. 6342/2024, CRL.M.A. 24233/2024

MUKESH KUMAR

.....Petitioner

Through: Mr. Ayushman Sharma, Mr. Gaurav
Sharma, Advs. with petitioner

versus

STATE (GOVT OF NCT) DELHI

.....Respondent

Through: Mr. Satish Kumar, APP for the State
with SI Prem Prakash, and SI Braj
Prakash, PS OIA

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

17.09.2024

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1. The present petition has been filed under Section 528 of BNSS, 2023 for quashing of FIR No. 536/2021 dated 07.07.2021 registered at PS Okhla Industrial Area for offences punishable under Section 323/354B/451 IPC and all other proceedings emanating therefrom.
2. The FIR was lodged on the statement of the respondent no.2 alleging that she was beaten up and harassed by her neighbour. Later, the complainant was even taken to the hospital for treatment. However, both the parties have now entered into a settlement vide Memorandum of Understanding dated 20.07.2021 on the following terms and conditions:

“1. That the first party has agreed to compromise the matter with the second party amicably with free will and consent and without any pressure, threat and coercion from any side



2. That the second party has agreed and undertake not to cause harassment and torture to the first party in future and shall maintain the peace in the locality.

3. That the second party further agreed to compromise all the disputes with the first party and the first party has also agreed to compromise the matter with the second party, which has been registered with PS Okhla Ind. Area arise between the parties due to misconception.

5. That the first party and second party undertakes to personally presently before the Hon'ble High Court of Delhi if required for quashing the FIR. The parties have agreed to sign the petition, affidavit or any other documents which are required to do so.

6. That there is no grievances against each other of any nature whatsoever. The present case has been registered by the first party at the instance of Suresh and Sunil.

7. That both the parties have signed this MOU with their free will and consent and without any pressure, threat and coercion from any side of any kind whatsoever.

8. That both the parties shall be bind up upon the terms and condition mentioned hereinabove”

3. Both the parties stated that they are from the same family and have entered into the settlement voluntarily without any force, fear and coercion. Both parties are present in court and have duly been identified by the IO. Learned APP states that there are no other criminal antecedents against the parties.
4. It is settled that the inherent powers under section 482 of the Code of Criminal Procedure, 1973 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.

5. 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 parties have settled the matter.
6. 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.
7. In view of the above, FIR no. 536/2021 under Section 323/354/451 IPC registered at PS Okhla Industrial Area and all the other proceedings emanating therefrom are quashed.
8. The present petition along with all pending applications stand disposed of.

DINESH KUMAR SHARMA, J

SEPTEMBER 17, 2024
JN/KR..