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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 2505/2024**
BIJENDER & ANR.

.....Petitioner

Through: Ms. Yogita Lohia, Adv.

versus

STATE NCT OF DELHI AND ANR

.....Respondent

Through: Ms. Rupali Bandhopadhyaya, ASC with
Mr. Abhijeet Kumar, Adv.
SI Naveen, PS VK South
Ms. Palak Munjal, Adv.

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER
25.11.2024

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1. This is a petition filed under Article 226 of the Constitution of India seeking quashing of the FIR No. 0204/2024, dated 17.04.2024 registered at PS Vasant Kunj South, Delhi under Sections 323/341/34 of IPC, 1860 and all consequential proceedings emanating therefrom.
2. Briefly stating the facts are that the FIR came to be registered on the complaint of respondent no. 2/complainant wherein it was alleged that a scuffle took place between some unknown people and the respondent no.2. The respondent no.2 got hit by the butt of a spade (*fawda*) which resulted in the petitioner getting an injury near his eyebrow. As per the status report, the nature of injury is grievous.
3. During the pendency of the proceedings, the parties have arrived at a settlement, wherein the respondent No.2 and the petitioner have settled their



disputes and the respondent No.2 has also filed his No Objection Certificate.

4. The petitioners i.e. Mr. Bijender and Mr. Rahul are present in Court and have been identified by their counsel namely, Ms. Yogita Lohia, Adv.

5. The respondent No.2 i.e. Mahesh is also present in Court and has been identified by his counsel namely, Ms. Palak Munjal, Adv and SI Naveen, PS Vasant Kunj South. During the course of investigation, the nature of injury as per the MLC report is 'Grievous'.

6. Even though the nature of injury caused to the petitioner is grievous, a coordinate bench of this Court in *Crl. M.C. 1651/2022* titled as "*Khalid Alias Painter and Ors. vs The State NCT of Delhi and Anr*" and *Crl. M.C. 1656/2022* titled as "*Nafees Ahmad Saifi and Ors.. vs The State NCT of Delhi and Anr*" quashed the FIR in similar circumstances whereby the petitioners in those matters had also suffered grievous injuries, however the court was of the view that while quashing the FIR, the court has to see all the attendant circumstances and since the parties had entered into a settlement therein, no useful purposes would be served in prosecuting the FIRs.

7. I am convinced that the both the parties have entered into the aforesaid settlement out of their own free will, volition and without any threat, force, undue influence or coercion. In addition, it is stated by respondent No.2 that he has no objection if the FIR is quashed.

8. Since the parties have arrived at a settlement and no disputes are pending, I am of the view that quashing of such proceedings on account of compromise would bring about peace and would secure ends of justice. The Court does not see any fruitful purpose if criminal proceedings are permitted to be prosecuted any further. It is a fit case for quashing. In this view of the



matter, there is no reason to continue the proceedings.

9. However, I am of the view that considerable time of the police and judicial time has been wasted. The police machinery has been put in motion on account of the acts of commission & omission on behalf of the parties and useful time of the police which could have been utilised for important matters has been misdirected towards this case. Hence, the petitioners must pay some costs.

10. For the reasons noted above, the petition is allowed and FIR No. 0204/2024, dated 17.04.2024 registered at PS Vasant Kunj South, Delhi under Sections 323/341/34 of IPC, 1860 and all consequential proceedings emanating therefrom are hereby quashed subject to the petitioners pay a sum of Rs. 7500/- as costs to respondent No.2 within 4 weeks from today.

11. The proof of payment be filed with the Registry within 6 weeks, failing which the file shall be put up before the Court.

12. The petition is disposed of in the aforesaid terms.

13. The status report handed over in Court today is taken on record.

JASMEET SINGH, J

NOVEMBER 25, 2024 / (MS)

Click here to check corrigendum, if any