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

+ **CRL.M.C. 6743/2024**

TARIQ KHAN AND ANR

.....Petitioners

Through: Mr. Gaurav Kochar, Mr.Nitin Arora,
Advts.

versus

THE STATE GOVT OF NCT DELHI AND ANRRespondents

Through: Ms. Kiran Bairwa, APP for the State
with SI Satender Kr. Arya, PS Geeta
Colony.

Mr.Dollar Jain, Adv. for R-2 with R-2

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

29.08.2024

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CRL.M.A. 25770/2024(Exemption)

Exemption is allowed subject to all just exceptions.

CRL.M.C. 6743/2024

1. The present application was filed seeking quashing of FIR No. 335/2013 under Section 308/341/323/34 IPC registered at PS Geeta Colony. The FIR was lodged on the statement of complainant, Zahid Ali, alleging that the petitioner assaulted them with leg fists and danda. After investigation, the charge-sheet was filed under Sections 308/341/323/34 IPC. However, both the parties submit that they have entered into a compromise vide compromise deed recorded on 23.03.2024 and notarised on 25.04.2024.
2. Furthermore, the Learned Counsel for the petitioners submits that



since the parties have resolved all their differences amicably, therefore, it would be in the interest of justice to quash FIR No. 335/2013 under Section 308/341/323/34 IPC registered at PS Geeta Colony and all the other proceedings emanating therefrom.

3. I have gone through the settlement deed dated 23.03.2024 which has been placed on record. The settlement agreement provides the following terms and conditions:

1.That due to the intervention of the common friends, relatives and the respectable persons of the society as well as locality/ market and their circle, the dispute has been settled amicably between both the parties. As both the parties are well known to each other.

2.That the present compromise deed has been executed between both the parties out of their free will consent and without any undue pressure, influence, coercion etc.

3.That both the parties have decided to withdraw all the litigations pending between them and undertakes neighbourhood. to live peacefully in their

4.That both the parties undertakes to abide by the present compromise deed and will not take any action against each other as they are ready to withdraw all the litigants pending between them. That the second party shall appear before the Hon'ble High Court of Delhi at the time of hearing of quashing petition which shall be filed in respect of quashing of F.I.R. No. 335/2013 U/S 341/323/34 IPC registered under the jurisdiction of Police Station Geeta Colony, Delhi and the second party shall give statement in the Hon'ble High Court for the purpose mentioned above.

4. Issue notice. Learned APP has accepted the notice.
5. The respondent no. 2 is present in person.
6. Both parties submit that they are neighbors and have been residing



in the same neighborhood for the past 10 years. It is stated that the present dispute occurred in the heat of the moment. There has never been any previous altercation or incident since the present FIR. The injuries were minor, and both parties have settled the matter amicably.

7. In *Parbatbhai Aahir & Ors v. State of Gujarat & Anr.*, (2017) 9 SCC 641, the Supreme Court *inter alia* held that Section 482 of the Cr.P.C. preserves the inherent powers of the High Court to prevent abuse of the judicial process or to ensure justice, without conferring any new powers. These powers allow the High Court to quash FIRs or criminal proceedings, particularly when a settlement has been reached between the offender and the victim. However, such invocation must be carefully considered, as it is not equivalent to a routine exercise of jurisdiction. The inherent powers are meant to be exercised judiciously to ensure that justice is served.
8. Both parties are present in court and have duly been identified by the IO. Respondent No. 2 submits that she has entered the settlement voluntarily without any fear, force, or coercion. She submits that other petitions have already been withdrawn or dismissed and she has no objection if FIR No. 335/2013 under Section 308/341/323/34 IPC registered at PS Geeta Colony and all the other proceedings emanating therefrom are quashed.
9. Taking into account the totality of the facts and circumstances of the case, this court considers that the parties have entered into an amicable settlement of their own free will, without any fear, force,



- or coercion, and they should be given an opportunity to lead their lives peacefully. Continuing with the trial would serve no purpose.
10. Considering that the FIR dates back to 2013 and significant resources of the Criminal Justice Delivery System have been used, the petitioners are burdened with a cost of Rs. 15,000 each, to be deposited with the Delhi State Legal Services Authority within one month.
11. Copy of the receipt be furnished to the Court and compliance report be filed.
12. In view of the above, FIR No. 335/2013 under Section 308/341/323/34 IPC registered at PS Geeta Colony and all the other proceedings emanating therefrom are quashed.
13. The present petition stands disposed of.

DINESH KUMAR SHARMA, J

AUGUST 29, 2024

Pallavi/NA