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

+ CRL.M.C. 7216/2024

RAJESH KUMARPetitioner

Through: Mr.Vinayak Bhandari, Ms.Jaisal
Singh and Ms.Teest, Advocates with
petitioner in person.

versus

THE STATE NCT OF DELHI & ANR.Respondents

Through: Mr.Yudhvir Singh Chauhan, APP for
State with SI Lokendra Singh
Ms.Gayatri Nandwani and Ms.Mudita
Sharda, Advocates for R-2 with R-2
in person.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

02.12.2024

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1. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (“BNSS” hereinafter) has been filed by the petitioner praying for quashing of FIR bearing No. 2328/2015 registered at Police Station Malviya Nagar, Delhi, for offence punishable under Section 420 of the Indian Penal Code, 1860 (hereinafter “IPC”).

2. The petitioner is present before this Court and has been identified by the Investigating Officer (“IO” hereinafter) and his counsel and the respondent No. 2, who is present in-person before this Court, has also been identified by the IO.

3. With the intervention of friends, relatives and respective members of society, the parties have entered into a settlement *vide* Memorandum of



Understanding (“MoU” hereinafter) dated 10th May, 2024. The terms and conditions of the said settlement are mentioned in the MoU which is annexed as Annexure-C to the petition.

4. On the query made by this Court, the respondent no.2 has categorically stated that she has entered into compromise out of her own free will and without any pressure or coercion from any quarter and therefore, does not wish to pursue this matter further. The parties undertook that they shall abide by all the terms and conditions of the MoU arrived at between the parties.

5. Furthermore, the petitioner has undertaken that he shall not repeat such type of conduct which led to the registration of the instant FIR.

6. Accordingly, it is prayed that the instant FIR be quashed on the basis of the MoU arrived at between the parties and as per the Judgments of the Hon’ble Supreme Court passed in ***Gian Singh vs. State of Punjab, (2012) 10 SCC 303*** and ***Parbathbhai Aahir @ Parbathbai vs. State of Gujarat, (2017) 9 SCC 641***.

7. *Per contra*, Mr. Yudhvir Singh Chauhan, APP for the State submitted that there is no objection to the prayer made on behalf of the petitioner seeking quashing of the FIR in question and subsequent proceedings emanating therefrom, in view of the MoU arrived at between the parties, however, it is submitted that cost may be imposed upon the petitioners as the FIR was registered in the year 2022 and more than 2 years of judicial time has been wasted.

8. Heard learned counsel for the parties and perused the record.

9. The instant criminal proceedings in respect of non-compoundable offences are private in nature and do not have a serious impact on the



society especially when there is a Compromise Deed between victim and accused. 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 the victim on his own free will and has not been imposed upon him by the petitioners or any person related to them. In the present case, the complainant is present in-person before this Court and has categorically stated that he has entered into compromise and settled the entire dispute amicably with the petitioners by his own free will without any pressure or coercion.

10. In the case of *Narinder Singh v. State of Punjab*, (2014) 6 SCC 466, the Hon'ble Supreme Court laid down detailed guidelines for quashing a criminal proceeding under its inherent power conferred in Section 482 of the Cr.P.C. on the basis of a settlement arrived at between the parties. In the said judgment, it was held that such power shall not be exercised in cases arising out of grave offences like murder, rape, dacoity, and offences committed under special statutes such as the Prevention of Corruption Act, 1988. Therefore, it was held that the guiding factors in such cases would be to secure the ends of justice and to prevent the abuse of process of the Court.

11. Applying the aforesaid principle laid down by the Hon'ble Supreme Court, the Coordinate Bench of this Court in *Paramjeet Singh v. State (NCT of Delhi)*, 2015 SCC OnLine Del 14296, quashed an FIR and proceedings under Section 308/341/34 of the IPC and held that even though an offence punishable under Section 308 of the IPC, being serious in nature is not compoundable, it is the discretion of the Court to exercise its jurisdiction in the interest of justice when a dispute has been settled between



the parties and peace has been restored as it is the duty of the Court to prevent continuation of such unnecessary judicial process.

12. In the instant case, as stated above, the parties have reached the compromise and amicably settled the entire disputes without any pressure. In view of the settlement arrived at between the parties and the law laid down by the Hon'ble Supreme Court, the present petition is allowed and the FIR bearing No. 2328/2015 registered at Police Station Malviya Nagar Delhi, for an offence punishable under Section 420 of the IPC and all consequential proceedings emanating therefrom are quashed

13. The petition alongwith pending application(s), if any, stands disposed of.

CHANDRA DHARI SINGH, J

DECEMBER 2, 2024/SV/av

[Click here to check corrigendum, if any](#)