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

+ CRL.M.C. 7321/2024, CRL.M.A. 27921/2024

ABHIMANU KUMAR @ MONU & ORS.Petitioners

Through: Appearance not given.

versus

STATE (NCT OF DELHI) THROUGH SHO PS ADARSH NAGAR
& ANR.Respondents

Through: Mr. Raghuinder Verma, APP for State
with SI Sargam Bhardwaj, PS Adarsh
Nagar

CORAM:
HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER
13.09.2024

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1. The present petition has been filed under Section 528 BNSS for quashing of FIR no. 109/2027 under Section 341/324/34 IPC registered at PS Adarsh Nagar. The FIR was lodged on the statement of Respondent No. 2 alleging that the petitioner had assaulted and gave him beatings. However, the parties have entered to a settlement vide Order dated 21.08.2024 passed by JMFC-06, North District, Rohini Courts, Delhi.
2. Learned Counsel for the petitioner submits that on 13.03.2017 on the occasion of Holi verbal altercation occurred between the complainant and the petitioners, which was resolved through the intervention of neighbours and well-wishers.
3. However on 14.03.2017, the complainant along with his associates



(Deepak, Lakhan, and Prakash), allegedly attacked Petitioner No. 1 at his residence around 10:20 PM. They reportedly used iron rods to inflict injuries on him. When neighbours Sonu who is Petitioner No. 2, Ram Milan who is Petitioner No. 3, and Amit who is Petitioner No. 4 attempted to rescue him, they were also attacked with iron rods and bottles. The complainant also sustained injuries during the altercation.

4. Learned Counsel submits that FIR No. 108/2017 was filed by the Petitioner against the complainant and his associates under Sections 452/308/34 of the Indian Penal Code (IPC) at PS Adarsh Nagar. Subsequently, FIR No. 109/2017 was registered against the petitioners based on the complaint of the Complainant under Sections 341/324/34 of the IPC at the same police station.
5. Learned Counsel submits a settlement was reached between the parties, and in **FIR No. 108/2017**, the petitioners made a statement before the court that they had no objection to dropping the charges against Respondent No. 2 and his associates. Consequently, they were convicted based on their guilty plea under Section 265B of CrPC and fined, with the proceedings against them dropped on 31.08.2024. Both parties agreed to settle their differences through mutual compromise with the help of their counsels, friends, and well-wishers. The complainant gave a statement in court on 21.08.2024, leading to the petitioners' acquittal under Section 341 IPC.
6. The Order dated 21.08.2024 passed the Ld. Judicial Magistrate, North District, Rohini reads as under:

“It is jointly submitted by the parties that they have settled the present matter with each other. Complainant submits that he does



not wish to pursue the present case. Heard. Separate statement of the complainant has been recorded to this effect.

In view of the statement given the complainant, the present case is compounded qua offence chargeable u/s 341 IPC. Accused is hereby acquitted qua the said offence (u/s 341 IPC).

At this stage, it is submitted by the Ld. counsel for the accused persons that he wishes to file a quashing petition before the Hon'ble High Court of Delhi in respect of offence u/s 324 of IPC."

7. Respondent No. 2 has stated that he has entered into the settlement voluntarily without any force, fear and coercion. IO has identified both the parties. It was a private dispute which has been settled. Keeping such dispute pending would only add to the already burden of this Court.
8. In the case of ***Ramgopal and Anr. v. The State of Madhya Pradesh*** (CRL.A. No. 1489 of 2012), dated 29.09.2021, the Supreme Court *inter alia* held that FIRs can be quashed in cases where the dispute is personal or civil in nature and does not affect public law or societal interests. This ruling aims to prevent unnecessary litigation, especially in private matters. The Court emphasized the value of promoting harmony through settlements in disputes such as matrimonial or property issues. However, it clarified that serious crimes like murder or rape, which have wider societal implications, cannot be quashed through private settlements. This distinction ensures that public interest is upheld in cases of grave offenses.
9. 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.

10. In view of the above, FIR no. 109/2027 under Section 341/324/34 IPC registered at PS Adarsh Nagar and all the other proceedings emanating therefrom are quashed.

11. The present petition along with all pending applications stand disposed of.

DINESH KUMAR SHARMA, J

SEPTEMBER 13, 2024

JN/DG