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

+ **CRL.M.C. 7564/2024**

LALIT KUMAR & ANR.

.....Petitioners

Through: Mohd. Sohail Alam, Ms. Farhana
Javed, Mr. Saad Iqbal, Mr. Brij
Kishore Rottla, Advs. for P-1

versus

STATE OF NCT OF DELHI AND ORS.

.....Respondents

Through: Mr. Mukesh Kumar, APP for the
State with SI Vinay, PS Sunlight
Colony
Mr. Suhail Warsi, Adv. for R-2 and 3.
With R-2 and 3 in person.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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28.10.2024

CRL.M.A. 32307/2024 in CRL.M.C. 7564/2024

1. The present petition has been filed seeking quashing of FIR No.100/2024 registered at PS Sunlight Colony under Sections 308/34 and all proceedings emanating therefrom.
2. Learned counsel for the petitioner submits that the charges were framed under sections 308//323/201/34 IPC by the Ld. Trial court. However, during the pendency of the proceedings, parties have settled the matter. It has been submitted that both parties reside in Sarai Kalen Khan and are familiar with one another. Both are stated to be auto drivers, and a sudden quarrel erupted between them. Learned



counsel for the petitioner submits that Petitioner No.2 is in custody in this case from 30.03.2024.

3. Issue notice. Learned APP for the State has accepted the notice.
4. Learned APP for the State submits that as per the MLC, respondent No.2 had suffered grievous injuries.
5. The compromise between the parties recorded vide compromise deed dated 06.09.2024 on following terms and conditions;

1. That the first party will cooperate to the second party in getting quashing of the FIR from the Hon'ble from the Hon'ble High Court of Delhi and will provide necessary documents in this regard and also execute an Affidavit in form of NO Objection and will also execute the petition of quashing.

2. That the second party have undertaken that they will pay Rs.1,00,000/- (Rs one lakh only) to the injured ADNAN in lieu of his medical expenses, pain and suffering and also against the loss of work.

3. That the second party have paid Rs.50,000/- in cash on 7.9.2024 to the injured ADNAN and remaining Rs. 50,000/- will be paid by the second party to the ADNAN of the first part at the time of quashing of the FIR. And Rs 50,000/- has been paid against the receipt.

4. That in case the Hon'ble High Court does not entertain the quashing petition then the first party will cooperate to the second party in getting them acquittal before the trial court.

5. That a cross FIR has also been registered against ADNAN, SHAHRUKH, KASHIF, BAHRE KHAN on the statement of the second party but the second party undertakes that as and when the charge sheet will be filed against the aforesaid person in the court, then they will appear in the concerned trial court and will record their statement in favour of aforesaid person and compound the matter without any compensation, demand and condition.



6. That all the legal expenses in getting quashing or getting acquittal before the concerned trial court, the second party will borne all the expenses.

7. That the one person namely ABHISHEK is in custody till date therefore, on his behalf his father namely SUNDER LAL SON OF LATE HARDWARI will execute this compromise deed and he undertake that he is bound to fulfill the conditions of this compromise deed.

6. Respondents No. 2 and 3 are present in the court and have duly been identified by the IO. They submit that they have entered into settlement voluntarily without fear, force or coercion. Further, Respondent no. 2 states that he has no objection if the FIR no. 100/2024 registered u/s 308/34 IPC at PS Sunlight colony and all proceedings emanating therefrom are quashed.
7. Since the dispute is predominantly private in nature and the parties have settled all the disputes amicably, in the interest of justice it would be better to put a quietus to the dispute. The chances of conviction would also be bleak and remote, given that the parties do not wish to pursue the present complaint on account of the settlement. I do not see any reason to reject the settlement.
8. Taking into account the totality of facts and circumstances, FIR No.100/2024 registered at PS Sunlight Colony under Sections 308/34 and all proceedings emanating therefrom are quashed.
9. Let the petitioner No.2 namely Abhishek be released forthwith if not required in any other case.



10. Copy of the order be sent to the concerned Jail Superintendent and
Learned trial court for compliance and information.

DINESH KUMAR SHARMA, J

OCTOBER 28, 2024

Pallavi/smg