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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 2950/2024 & CrI.M.As.28842-43/2024 & 30675/2024**
RAHUL PATHAKPetitioner

Through: Mr.Nikhil Dogra, Advocate with
petitioner in person.

versus

STATE OF NCT OF DELHI AND ANR.

.....Respondent
Through: Mr. Sanjay Lao, Standing Counsel
(CrI.) for State SI Kavish Rana PS
Laxmi Nagar
Mr.Rajesh Tiwari, Advocate for R-2
and 3 with R-2 and 3 in person.

CORAM:
HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER
% **03.12.2024**
CrI.M.A. No. 28842/2024

Exemption allowed, subject to just exceptions.

The application stands disposed of.

W.P.(CRL.) 2950/2024 and CrI.M.A. No. 28843/2024

1. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 has been filed by the petitioners seeking quashing of FIR bearing No. 1405/2015, registered Police Station Shakarpur under Sections 323/308 r/w 34 of the Indian Penal Code, 1860 (hereinafter "IPC).



2. The brief facts of the case are that on 27th June, 2015, a fight broke out between the petitioner and the respondent no. 2, due to which the respondent no. 2 suffered injuries, which led to the filing of the instant FIR and thereafter, a chargesheet was filed against the petitioner. Hence, the present petition is filed before this Court.

3. Learned Counsel appearing on behalf of the petitioner submitted that a settlement has been arrived at between the parties to the petition *vide* a settlement deed dated 5th February, 2024 annexed to the petition. It is further submitted that the said settlement deed 5th February, 2024 is in relation to the instant FIR as well as FIR No. 1539/2015 registered at Police Station Shakarpur, under Sections 308/341/34 of the IPC. It is further submitted that no useful purpose would be served by the continuation of the proceedings in relation to the present FIR. Therefore, it is prayed that the instant FIR be quashed on the basis of settlement between the parties.

4. The Investigating Officer (hereinafter “IO”) of the case is present and has identified the petitioner, who is present today in the Court. The IO has also identified the respondent No.2.

5. On query, the respondent no.2 has affirmed the factum of the settlement being arrived at without any financial consideration in terms of the settlement deed dated 5th February, 2024 in relation to both the cross FIRs. In reply to a specific query of the Court, the respondent no.2 has stated that he has settled the matter with the petitioner voluntarily on his own accord without any duress, coercion or pressure from any quarter.

6. Learned Counsel appearing on behalf of the State, there is no opposition to the prayer made by the petitioner seeking the quashing of the FIR in question in view of the settlement arrived at between the parties.



7. The instant criminal proceedings are in respect of non-compoundable offences and 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 his own free will and has not been imposed upon him by the petitioner or any person related to him. In the present case, the complainant is present in the Court and has categorically stated that he has entered into a compromise and settled the entire disputes amicably with the petitioner by his own free will without any pressure or coercion. There is also no allegation from respondent no.2 that the conduct and antecedents of the petitioner has been bad towards him after the compromise.

8. The Hon'ble Supreme Court in the case of ***Ramgopal and Ors. Vs. The State of Madhya Pradesh, 2021 INSC 568***, held that the extraordinary power of the High Courts under Section 482 of CrPC can be invoked even when such a case falls within the ambit of non-compoundable offences given that the Court must be satisfied that the nature of the offence does not impact the conscience of the society and that the compromise between the parties is voluntary and amicable.

9. In the instant case, as stated above, the parties have reached on the compromise and amicably settled the entire disputes without any pressure and peace has been restored between them. This Court deems it a futile exercise to continue the present proceedings against the petitioner. 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.

10. In view of the above thereof, FIR No. 1405/2015, registered Police Station Shakarpur under Sections 323/308 r/w 34 of the Indian Penal Code,



1860 and all consequential proceedings emanating therefrom against the petitioner are thus quashed.

11. The petition along with any accompanying application is thus disposed of.

CHANDRA DHARI SINGH, J

DECEMBER 3, 2024
SV/ST

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