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

+ W.P.(CRL) 2974/2024

FATEH KHAN AND ORS

.....Petitioners

Through: Mr. Rakesh Chahar, Ms. Smritee Relan and Mr. Ishran Khan,
Advocates (Through VC) along with
the petitioners in person

versus

STATE NCT OF DELHI AND ANR.

.....Respondent

Through: Ms. Nandita Rao, ASC for State
Mr. Fajallu Rehman, Mr. Javed and
Mr. Tanveer Ahmed, Advocates for
R-2 along with respondent no. 1

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

15.10.2024

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1. The instant petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") has been filed by the petitioners praying for quashing of FIR bearing No. 483/2024 registered at Police Station Burari, Delhi for offences punishable under Sections 110/140(4)/3(5) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter "BNS").

2. Learned counsel appearing on behalf of the parties submitted that the petitioner and the respondent no. 2 are students and due to some misunderstanding, they were involved in a quarrel and there was no intent to



injure or harm each other. It is also submitted that the injuries are simple in nature.

3. With the intervention of family members and friends, the parties entered into settlement vide Memorandum of Understanding (MoU) dated 10th September, 2024. The terms and conditions of the said settlement are mentioned in the MoU which is annexed as Annexure P-2 to the petition.

4. The petitioners are present before this Court and have been identified by their counsel, Ms. Smritee Relan (Enrl. No. D-7128/17) and Investigating Officer, Police Station Burari, Delhi. The respondent no.2 is also present through video conferencing in the Court and has been identified by his counsel and the Investigating Officer.

5. On the query made by this Court, the petitioners and respondent no.2 has categorically stated that they have entered into compromise on their own free will and without any pressure and do not wish to pursue this matter further. They undertook that they shall abide by all the terms and conditions of the settlement agreement arrived at between the parties.

6. Accordingly, it is prayed that the instant FIR be quashed on the basis of settlement dated 10th September, 2024 and as per the Judgment 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. Ms. Nandita Rao, learned ASC for the State submitted that there is no opposition to the prayer made by the petitioners seeking quashing of the FIR in question in view of the settlement arrived at between the parties.

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

9. It is a settled law that while exercising its powers under Section 528



of the BNSS, the Court has the inherent power to quash the FIR, even in non-compoundable offences, especially a settlement/compromise is arrived at between the victim and the 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 his own free will and has not been imposed upon him by the petitioners or any person related to him.

10. It is observed that the charges against the petitioners have not been framed and therefore, no chargesheet has been filed by the police in the instant case. Moreover, the complainant, who is appearing through video conferencing, has categorically stated that he has entered into compromise and settled the entire disputes amicably with the petitioners 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 petitioners have been bad towards him after the compromise. Furthermore, no objection has been raised by the learned ASC for the State pertaining to the said quashing.

11. In view of the settlement arrived at parties, non-objection from the State and non-filing of the chargesheet against the petitioners, in addition to the law laid down by the Hon'ble Supreme Court in **Gian Singh (Supra)**, the present is allowed.

12. Keeping in view the fact that the matter stands amicably been settled between the petitioners and respondent no.2 amicably without any pressure, no fruitful purpose would be served by keeping the matter pending. Hence, FIR bearing No. 483/2024 registered at Police Station Burari, Delhi for offences punishable under Sections 110/140(4)/3(5) of the BNS and consequent proceedings emanating therefrom are quashed.



13. Accordingly, the petition stands disposed of.

CHANDRA DHARI SINGH, J

OCTOBER 15, 2024
gs/mk

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