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

+ **CRL.M.C. 7680/2024**

HEENA AHLUWALIA & ANR.Petitioners

Through: Ms. Heena Ahluwalia and Mr.
Chanchal Ahluwalia in person.

versus

STATE OF NCT OF DELHI AND ANRRespondents

Through: Mr. Yudhvir Singh Chauhan, APP for
the State.

SI Sarita, P. S. Prasad Nagar and SI
Arvind, P.S. Janakpuri

Ms. Urvashi Jain and Mr. Sushant
Sagar, Advocates for R-2 along with
the complainant in person

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

21.10.2024

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1. The instant petition under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (“BNSS hereinafter”) has been filed by the petitioners praying for quashing of FIR bearing No.540/2022, dated 25th October, 2022, registered at Police Station - Janakpuri, Delhi, for offences punishable under Sections 323/341/354/451/34 of the Indian Penal Code, 1860 (hereinafter “IPC”).

2. The petitioners and respondent no.2 are present before this Court and have been identified by the Investigating Officer.

3. Learned counsel appearing on behalf of the petitioners submitted that



the instant FIR is registered against three accused i.e., Ms. Heena Ahluwalia, Ms. Chanchal Ahluwalia and Mr. Dinesh Ahluwalia. However, the instant petition is filed only on behalf of the petitioners herein i.e., Ms. Heena Ahluwalia and Ms. Chanchal Ahluwalia.

4. The brief facts of the case are that on 23rd October, 2022, a quarrel broke out between the accused persons and the complainant, wherein the accused Mr. Dinesh Ahluwalia pushed the wife of complainant i.e., respondent no. 2, on her chest, causing simple injuries. Accordingly, the respondent no. 2 filed the aforesaid FIR against the accused persons.

5. However, the accused persons and the respondent no. 2 have entered into a Settlement Agreement dated 18th May, 2024 (hereinafter as the “Settlement”) before the Mediation Centre at Dwarka Courts, Delhi, which is appended as Annexure A-3 to the instant petition. As per the contents of the Settlement, the petitioner no. 1 is authorised to settle the matter on behalf of the petitioner no. 2 and co-accused Mr. Dinesh Ahluwalia. The parties therein have settled the matter arising out of the aforesaid FIR only *qua* compoundable offences i.e., under Sections 323/341/451/34 of the IPC.

6. On a query made by this Court, respondent no.2 has categorically stated that she has entered into the aforesaid compromise on her own free will and without any coercive pressure as it is stated by respondent No.2 that the entire dispute has been amicably settled between the parties in terms of the aforesaid Settlement entered into by the parties herein before the Mediation Centre at Dwarka Courts, Delhi.

7. It is submitted that since the parties have settled their disputes *qua* compoundable offences in the aforesaid FIR, no useful purpose would be served in continuing with the said FIR *qua* compoundable offences and



consequential proceedings arising therefrom against the petitioners herein.

8. Accordingly, it is prayed that the instant FIR and consequential proceedings emanating therefrom *qua* compoundable offences be quashed against the petitioners herein on the basis of the settlement arrived at between the parties 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.***

9. Mr. Yudhvair Singh Chauhan, learned APP appearing for the State submitted that there is no opposition to the prayer made on behalf of the petitioners seeking quashing of the FIR in question *qua* compoundable offences and subsequent proceedings emanating therefrom in view of the settlement arrived between the parties herein.

10. Learned counsel appearing on behalf of the parties submitted that the parties undertake to abide by all the terms and conditions of the Settlement.

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

12. It is observed that the instant criminal proceedings involve both compoundable and non-compoundable offences against the petitioners herein. However, the parties herein have entered into a Settlement Agreement for the quashing of the impugned FIR only with respect to the compoundable offences involved herein i.e., Sections 323/341/451/34 of the IPC. Moreover, it is a 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 her own free will and has not been imposed upon her by the petitioners or any person related to her.

13. In the instant case, as stated above, the parties herein have reached a compromise and amicably settled the entire disputes without any pressure.



In view of the settlement arrived at between the parties herein i.e., petitioner no. 1, petitioner no. 2 and the respondent no. 2, and the law laid down by the Hon'ble Supreme Court, the present petition is allowed to the extent of quashing the FIR bearing no. 540/2022 dated 25th October, 2022, registered at Police Station - Janakpuri, Delhi and all the consequential proceedings emanating therefrom only with respect to the compoundable offences i.e., under Sections 323/341/451/34 of the IPC against the petitioners herein i.e., Ms. Heena Ahluwalia and Ms. Chanchal Ahluwalia.

14. Accordingly, the instant petition alongwith pending application(s), if any, stands disposed of as per the aforesaid terms.

CHANDRA DHARI SINGH, J

OCTOBER 21, 2024
NA/mk

Click here to check corrigendum, if any