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

+ **CRL.M.C. 7683/2024**

SARLA RANI AND OTHERS

.....Petitioners

Through: Mr. Pankaj Kumar, Advocate along
with petitioners in person

versus

THE STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Yudhvir Singh Chauhan, APP for
State
Mr. Kushank Sharma, Ms. Kiran and
Mr. Sagar Singhal Advocates for R-2
along with respondent no. 2 in person
ASI Om Prakash, P. S. Sarai Rohilla

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

27.09.2024

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CRL.M.A. 29322/2024 (Exemption)

Exemption allowed subject to just exceptions.

The application stands disposed of.

CRL.M.C. 7683/2024

1. The instant petition under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (previously Section 482 of the Code of Criminal Procedure, 1973) has been filed on behalf of the petitioners for quashing of FIR bearing No. 125 of 2021 dated 13th March, 2021 registered at Police Station Sarai Rohilla, District-North Delhi under Sections



324/341/506/509/34 of the Indian Penal Code, 1860 (IPC) along with the subsequent proceedings against the petitioners pending before the Judicial Magistrate First Class Mahila Court-02, Central District, Tis Hazari, Delhi.

2. Learned counsel appearing on behalf of the petitioners submitted that the complainant filed the FIR against four accused, namely Ms. Sarla Rani, Ms. Rinku Jain, Mr. Sachin Jain and Mr. Sandeep Thakur.

3. It is further submitted that the disputes were settled between the complainant and three out of four accused, except for one accused namely Mr. Sandeep Thakur. It is submitted that all the offences alleged in the FIR against the accused/ petitioners are compoundable in nature except for the charge leveled against the mother-in-law namely Ms. Sarla Rani, who was charged with Section 324 of the IPC, which is a non-compoundable offence.

4. Learned counsel appearing on behalf of the petitioners submitted that as per the contents made in the FIR and the medical report, the complainant sustained a simple injury caused by the mother-in-law with a knife. It is submitted that since the disputes have been settled between the parties as the parties herein are family members and agreed to live peacefully without pursuing the matter further, and hence, prayed that the consequential proceedings *qua* the said FIR may be quashed.

5. The petitioners are present before this Court and have been identified by their counsel i.e., Mr. Pankaj Kumar, Advocate (Enrolment No. D-1233-2010) and Investigating Officer ASI Om Prakash, Police Station Sarai Rohilla. The respondent no.2 is also present in the Court and has been identified by her counsel i.e., Mr. Kushank Sharma and the Investigating Officer.



6. On the query made by this Court, respondent no.2 has categorically stated that she has entered into compromise on her own free will and without any pressure. It is also stated by respondent no.2 that the entire dispute has been amicably settled between the parties herein.

7. Therefore, it is prayed by the learned counsel appearing on behalf of the parties that the instant FIR may be quashed on the basis of the compromise *vide* settlement agreement which is annexed as Annexure P-4 to the instant petition as per the judgment of the Hon'ble Supreme Court passed in ***Gian Singh vs. State of Punjab, (2012) 10 SCC 303***.

8. *Per contra*, learned APP appearing on behalf of the State vehemently opposed the instant application for quashing of the FIR and submitted that there is non-compoundable offence under Section 324 of the IPC leveled against the mother-in-law i.e., petitioner no. 1. It is further submitted that one accused namely Mr. Sandeep Thakur, is not made a party to the instant petition and since the offence allegedly committed by the mother-in-law is non-compoundable in nature, the FIR may not be quashed in part.

9. Heard learned counsel appearing on behalf of the parties and perused the contents made in the petition as well as contents made in the Settlement Agreement.

10. On the query made by this Court, the complainant, present in-person, submitted that she is not interested in pursuing the further proceedings against the petitioners herein, which consists of three of the four accused.

11. Therefore, taking into consideration the entirety of the matter and in view of the facts and circumstances, this Court is inclined to allow the instant petition *qua* the petitioners herein.



12. Since the matter stands amicably settled between the complainant and the petitioners herein i.e., three of the four accused in the said case, without any pressure, no fruitful purpose would be served by keeping the matter pending. Hence, FIR bearing No. 125 of 2021 dated 13th March, 2021 registered at Police Station Sarai Rohilla, District North Delhi under Sections 324/341/506/509/34 of the IPC along with the consequent proceedings emanating therefrom as well as the proceedings pending before the Court concerned is hereby quashed *qua* the petitioners herein i.e., Ms. Sarla Rani, Ms. Rinku Jain and Mr. Sachin Jain.

CHANDRA DHARI SINGH, J

SEPTEMBER 27, 2024

gs/mk

Click here to check corrigendum, if any