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

+ **CRL.M.C. 7835/2024**

MANISH KUMAR

.....Petitioner

Through: Mr. M.K. Tyagi and Mr. Amit Tyagi,
Advocates (D-96/09)

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondent

Through: Mr. Satish Kumar APP for the State
with SI Kapil Beniwal.
Mr. Rajeev Shukla, Advocate (D-
1370/200)

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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21.11.2024

CRL.M.A. 29908/2024

1. Exemption allowed subject to just exceptions.
2. The application stands disposed of.

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3. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS" hereinafter) has been filed by the petitioners praying for quashing of FIR bearing No.571/2022 registered at Police Punjabi Bagh, Delhi, for offences punishable under Sections 308 of the Indian Penal Code, 1860 (hereinafter "IPC").
4. The brief facts of the case are that the petitioner and the respondent



no. 2 are neighbours and are closely situated. A dispute arose between the parties, which led to a quarrel and manhandling of the each other. This led to the registering of the aforesaid FIR.

5. The petitioner is present before this Court and has been identified by his counsel Mr. M.K. Tyagi, Advocate and the respondent No. 2, who is also present in-person before this Court, has been identified by his counsel and the Investigating Officer.

6. With the intervention of friends, relatives and respective members of society, the parties entered into settlement *vide* Settlement Deed dated 17th September, 2024. The terms and conditions of the said settlement are mentioned in the Settlement Deed which is annexed as Annexure P-3 to the petition.

7. On the query made by this Court, the respondent no.2/complainant has categorically stated that he has entered into compromise on his own free will and without any pressure and therefore, does not wish to pursue this matter further. He undertook that he shall abide by all the terms and conditions of the settlement arrived at between the parties.

8. Furthermore, the petitioner has undertaken that he shall not repeat such type of conduct which led to the registration of the instant FIR.

9. Accordingly, it is prayed that the instant FIR be quashed on the basis of the settlement arrived at between the parties and as per the Judgments 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***.

10. *Per contra*, Mr. Satish Kumar, learned APP for the State submitted that there is no objection to the prayer made on behalf of the petitioner



seeking quashing of the FIR in question and subsequent proceedings emanating therefrom, in view of the settlement arrived at between the parties, however, it is submitted that cost may be imposed upon the petitioners as the FIR was registered in the year 2022 and a period of more than 2 years of judicial time has been wasted.

11. Learned counsel appearing on behalf of the parties undertake to abide by all the terms and conditions of the settlement.

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

13. The instant criminal proceedings in respect of non-compoundable offences are private in nature and do not have a serious impact on the society especially when there is a Compromise Deed between victim and 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 the victim on his own free will and has not been imposed upon him by the petitioners or any person related to them. In the present case, the complainant is present in-person before this Court and has categorically stated that he has entered into compromise and settled the entire dispute amicably with the petitioners by his own free will without any pressure or coercion.

14. The Coordinate Bench of this Court in ***Paramjeet Singh v. State (NCT of Delhi)***, **2015 SCC OnLine Del 14296**, quashed an FIR and proceedings under Section 308/341/34 of the IPC and held that even though an offence punishable under Section 308 of the IPC is not compoundable, being serious in nature, it is the discretion of the Court to exercise its jurisdiction in the interest of justice when a dispute has been settled between the parties and peace has been restored as it is the duty of the Court to



prevent continuation of such unnecessary judicial process.

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

16. 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 and the FIR bearing No.571/2022 registered at Police Station Punjabi Bagh, Delhi, for offences punishable under Sections 308IPC and all consequential proceedings emanating therefrom are quashed, subject to the deposition of the cost of Rs. 25,000/- (Rupees Twenty Five Thousand Only) in the account of Army Central Welfare Fund, Saving Account no. 520101236373338 (IFSC- UBIN0530778), Bank Name- Union Bank of India, Branch- Chandni Chowk, Delhi – 110006 within a period of two weeks. The receipt to the payment of the aforesaid cost shall be furnished before the Investigating Officer within two weeks.

17. The petition alongwith pending application(s), if any, stands disposed of.

CHANDRA DHARI SINGH, J

NOVEMBER 21, 2024
NA/mk

Click here to check corrigendum, if any