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

+ **CRL.M.C. 7999/2024**

VIJAY KUMAR AND ORS.

.....Petitioners

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

versus

STATE GOVT OF NCT OF DELHI THROUGH SHO & ANR.

.....Respondents

Through: Mr. Yudhvir Singh Chauhan, APP for
the State along with SI Jitendra
Kumar Meena special cell SR and SI
Sagar Yadav.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

% **18.10.2024**

CRL.M.A. 30540/2024.

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

CRL.M.C. 8110/2024.

3. 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. 73/2022 dated 25th January, 2022 registered at Police Station Badarpur, Delhi, for offences punishable under Sections 308/34 of the Indian Penal Code, 1860 (hereinafter "IPC").
4. The petitioner no.1 i.e., Vijay Kumar, petitioner no. 2 i.e., Vicky,



petitioner no. 3 i.e., Deepak Kumar and petitioner no. 4 i.e., Om Prakash Sisodiya are present before this Court and have been identified by the Investigating Officer (“IO” hereinafter) and their counsel and the respondent No. 2, who is present in-person before this Court, has been identified by the IO.

5. With the intervention of friends, relatives and respective members of society, the parties entered into settlement *vide* Memorandum of Understanding (“MoU” hereinafter) dated 5th July, 2024. The terms and conditions of the said settlement are mentioned in the MoU which is annexed as Annexure-C to the petition.

6. On the query made by this Court, the respondent no.2 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. They undertook that they shall abide by all the terms and conditions of the MoU arrived at between the parties.

7. Furthermore, the petitioners have undertaken that they shall not repeat such type of conduct which led to the registration of the instant FIR.

8. Accordingly, it is prayed that the instant FIR be quashed on the basis of the MoU 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***.

9. *Per contra*, Mr. Yudhvir Singh Chauhan, APP for the State submitted that there is no objection to the prayer made on behalf of the petitioners seeking quashing of the FIR in question and subsequent proceedings emanating therefrom, in view of the MoU 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.

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

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

12. 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.

13. In the case of **Narinder Singh v. State of Punjab**, (2014) 6 SCC 466, the Hon'ble Supreme Court laid down detailed guidelines for quashing a criminal proceeding under its inherent power conferred in Section 482 of the Criminal Procedure Code, 1973 on the basis of a settlement arrived at between the parties. In the said judgment, it was held that such power shall not be exercised in cases arising out of grave offences like murder, rape, dacoity, and offences committed under special statutes such as the Prevention of Corruption Act, 1988. Therefore, it was held that the guiding factors in such cases would be to secure the ends of justice and to prevent



the abuse of process of the Court.

14. Applying the aforesaid principle laid down by the Hon'ble Supreme Court, a 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 High 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. In view of the settlement arrived at between the parties, the present petition is allowed.

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. 73/2022 dated 25th January, 2022 registered at Police Station Badarpur, Delhi, for offences punishable under Sections 308/34 of the IPC and all consequential proceedings emanating therefrom are quashed, subject to the deposition of the cost of Rs. 15,000/- (Rupees Fifteen Thousand Only) in the account of DHCBA Women Advocates Welfare Fund i.e., saving account no. 15530110172858 (IFSC-UCBA0001553), Bank Name- UCO Bank, Branch- Delhi High Court within a period of two weeks.

17. The receipt to the payment of the aforesaid cost shall be furnished before the Registry as well as the IO of this Court within two weeks.



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

CHANDRA DHARI SINGH, J

OCTOBER 18, 2024

Rk/sm

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