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

+ CRL.M.C. 8220/2024

NEERAJ KUMAR & ORS.

.....Petitioner

Through: Mr. Rajiv Kumar Sharma, Advocate
(Through VC)

versus

STATE GOVT. OFNCT OF DELHI AND ORS.Respondents

Through: Mr. Raghuinder Verma, APP for the
State with SI Ashutosh Mishra

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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13.11.2024

1. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter “BNSS”) has been filed on behalf of the petitioners praying for quashing of FIR bearing No. 377/2017 registered at Police Station - Mehrauli for offences punishable under Sections 452/308/354/34 of the Indian Penal Code, 1860 (hereinafter “IPC”).

2. The petitioners are present before this Court and have been identified by their counsel Mr. Rajiv Kumar Sharma and Investigating Officer SI Ashutosh Mishra, Police Station Mehrauli. The respondents nos. 2, 3, 4 and 5 are present in the Court and have been identified by the Investigating Officer.

3. The brief facts of the case are that the petitioners herein entered the house of the respondents no. 2 and 3 and assaulted the respondents nos. 2 to 5 by giving blows with a *danda* and hitting with bricks, which resulted in sustaining injuries.



4. On the query made by this Court, respondent nos. 2, 3, 4 and 5 have 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 i.e., vide Memorandum of Understanding (hereinafter “MoU”) dated 1st August, 2024, which is annexed as Annexure – C to the instant petition.

5. It is prayed that the instant FIR be quashed on the basis of the MoU dated 1st August, 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***.

6. Mr. Raghuinder Verma, learned APP 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.

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

8. 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.

9. It is observed the respondent nos. 2, 3, 4 and 5 has categorically stated that he have entered into compromise and settled the entire disputes



amicably with the petitioners by their 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.

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

11. Keeping in view the fact that the matter stands amicably settled between the parties without any pressure, no fruitful purpose would be served by keeping the matter pending. Hence, FIR bearing No. 377/2017 registered at Police Station - Mehrauli for offences punishable under Sections 452/308/354/34 of the IPC and consequent proceedings emanating therefrom are quashed, subject to the deposition of the cost of Rs. 15,000/- in the account of DHCBA Women Advocates Welfare Fund, Saving Account no. 15530110172858 (IFSC- UCBA0001553), Bank Name- UCO Bank, Delhi High Court within a period of one week. The receipt to the payment of the aforesaid cost shall be furnished before the IO as well as the Registry of this Court within one week.

12. Accordingly, the petition stands disposed of.

CHANDRA DHARI SINGH, J

NOVEMBER 13, 2024
gs/mk

Click here to check corrigendum, if any