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

+ **W.P.(CRL) 3258/2024 & CRL.M.A. 31459/2024**

RANDHIR @LALU

.....Petitioner

Through: Mr. Piyush Kumar Pushkar and Mr.
Vikas Pal, Advocates alongwith
Petitioner

versus

STATE (NCT OF DELHI) & ANR.

.....Respondents

Through: Mr. Sanjeev Bhandari, ASC for the
State alongwith the IO.
Respondent no.2 in person.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

21.10.2024

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1. The instant petition under Article 226 of the Constitution of India read with Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 ("BNSS hereinafter") has been filed by the petitioner praying for quashing of FIR bearing No.62/2017, dated 5th February, 2017, registered at Police Station Bara Neb Sarai, Delhi, for offences punishable under Sections 392/411 of the Indian Penal Code, 1860 (hereinafter "IPC").

2. The petitioner is present before this Court and has been identified by the Investigating Officer and his counsel, Mr. Piyush Kumar Pushkar, Advocate and the respondent No.2, who is present in-person before this Court, has been identified by the Investigating Officer.

3. Briefly stated, an argument took place among some boys including the petitioner and respondent No.2, who were then aged about 20-22 years, while playing cricket at the Banyan Tree Pitch, N Block, Sainik Farm, New



Delhi. All the boys were known to each other. Thereafter, the said altercation escalated and in the heat of moment, the petitioner took the mobile phone of respondent No.2 to his home.

4. Being aggrieved of the aforesaid incident, the family of respondent No.2 went to the house of the petitioner to complain the same and the mobile phone of the petitioner was returned. However, before reaching home, the mother of the respondent No. 2 had already made a phone call to the police for registering a complaint.

5. Pursuant to the same, the police reached the petitioner's house where his mobile phone was seized and the aforesaid FIR was registered at Police Station Neb Sarai.

6. Thereafter, a charge-sheet dated 11th December, 2018 was filed before the learned MM-03, South District, Sake Court, New Delhi and the said matter is pending trial at the stage of recording of statement of the respondent No. 2.

7. Subsequently, the petitioner and respondent No.2 entered into a Settlement Agreement dated 28th September, 2024 to give a quietus to the dispute and the same is annexed as Annexure P-2 to the instant petition.

8. It is submitted that since the parties have reached at a settlement and their disputes have been amicably settled, no useful purpose would be served in continuing with the said FIR and consequential proceedings arising out of the said FIR.

9. Accordingly, it is prayed that the instant FIR and consequential proceedings emanating therefrom be quashed 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.

10. On a query made by this Court, respondent no.2 has categorically stated that he has entered into the aforesaid settlement on his own free will and without any coercive pressure and the entire dispute has been amicably settled between the parties in terms of the aforesaid settlement agreement.

11. Mr. Sanjeev Bhandari, learned ASC 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 and subsequent proceedings.

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

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

14. The instant criminal proceedings in respect of non-compoundable offence, i.e., the offence for robbery, are private in nature and do not have a serious impact on the society especially when there is a Compromise Deed between the parties. 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 her by the petitioner or any person related to him.

15. In the present case, it is observed that the respondent no.2/complainant, who is present in-person before this Court, has categorically stated that the instant matter pertains to a heated argument and he has entered into compromise and settled the entire disputes amicably with the petitioner by his own free will without any pressure or coercion.

16. 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 and the fact that the altercation took place between neighbours of the same residential area, the present petition is allowed.

17. Accordingly, the FIR bearing No.62/2017, dated 5th January, 2017, registered at Police Station Bara Neb Sarai, Delhi, for offences punishable under Sections 392/411 of the IPC and all consequential proceedings emanating therefrom are quashed.

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

CHANDRA DHARI SINGH, J

OCTOBER 21, 2024

NA/sm

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