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

+ **CRL.M.C. 8324/2024**

MOHAMMAD MUJTABA @ MOHD MUSTAFAPetitioner
Through: **Mr. Mohammad Danish and Mr. Shadan Parvez, Advocates.**

versus

STATE OF NCT OF DELHI AND ANRRespondent
Through: **Mr. Yudhvir Singh Chauhan, APP with SI Himanshu.**
Mr. Faizan Parvez, Mr. Khalid Aziz, M. Ahmed Shamsheer & M Ali Shamsheer, Advocates for R-2.

CORAM:
HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

% **ORDER**
22.10.2024

1. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (“BNSS hereinafter”) has been filed by the petitioner praying for quashing of FIR bearing No. 0261/2024 registered at Police Station Jafrabad, Delhi, for the offence punishable under Section 118 of the Bharatiya Nyaya Sanhita, 2023 (“BNS” hereinafter).
2. The petitioner is present before this Court and has been identified by the Investigating Officer and his counsel, Mr. Mohammad Danish, Advocate and the respondent No. 2, who is present in-person before this Court, has been identified by his counsel and the Investigating Officer.
3. The brief facts of the case are that the due to a road rage incident that



took place between the petitioner, who was driving a motorcycle, and one E-rikshaw driver on 1st August, 2024, the petitioner assaulted the respondent No. 2, who was travelling in the said E-rikshaw. In the heat of the moment, the petitioner took out a knife and stabbed the respondent No.2 in his right arm. Pursuant to the aforesaid, the FIR under Section 118 of the BNS was registered against the petitioner on the complaint made by respondent no.2

4. With the intervention of the respected persons of the society, the parties herein entered into an oral settlement. It is submitted that the in terms of the above said oral settlement, respondent No.2 has received a sum of Rs. 50,000/- from the petitioner.

5. On a query made by this Court, respondent No.2 has categorically stated that he has entered into the aforesaid oral settlement on his own free will and without any coercive pressure as it is stated by respondent No.2 that the entire dispute has been amicably settled between the parties in terms of the aforesaid oral settlement. The respondent no.2 has also accepted the fact that he has duly received Rs. 50,000/- from the petitioner in terms of the abovementioned oral settlement.

6. It is submitted that since the parties have settled their disputes amicably, no useful purpose would be served in continuing with the said FIR and consequential proceedings arising from the same. Learned counsel for the petitioner submitted that the petitioner has no criminal history. In support of his contentions, he referred to paragraph 3 of the instant petition.

7. Accordingly, it is prayed that the instant FIR and consequential proceedings emanating out 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.

8. *Per Contra*, Mr. Satish Kumar, learned APP 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, if any, emanating therefrom, in view of the oral settlement arrived between the parties, however, it is prayed that cost may be imposed upon the petitioner as a period of about one year of the judicial time has been wasted.

9. Learned counsel appearing on behalf of the parties submitted that the parties undertake to abide by the terms of the oral settlement. Moreover, the petitioner, who is present in person in Court, undertakes not to commit any offence in future.

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

11. The instant criminal proceedings in respect of the present offence, i.e., a compoundable offence, are private in nature and do not have a serious impact on the society. In such cases, when the parties involved settle their disputes after reaching a genuine compromise, all the charges and further emanating proceedings are discontinued. The High Court is required to consider the conduct and antecedents of the accused in order to ascertain that a genuine settlement has been entered into by the free will of the victim and has not been imposed upon him by the petitioner or any person related to him.

12. 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 he has entered into an oral settlement and settled the



entire disputes amicably with the petitioner by his own free will without any pressure or coercion.

13. Therefore, this Court observes that the parties have reached on the oral compromise and amicably settled the entire disputes without any pressure. In view of the said oral settlement arrived at between the parties and the fact that the present offence is compoundable in nature, the present petition is allowed

14. Accordingly, the present petition is allowed and the FIR bearing No. 0261/2024 registered at Police Station Jafrabad, Delhi, for the offence punishable under Section 118 of BNS and all consequential proceedings emanating therefrom are quashed, subject to the deposition of the cost of Rs. 10,000/- 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 Registry as well as the IO of this Court within two weeks.

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

CHANDRA DHARI SINGH, J

OCTOBER 22, 2024
NA/sm

Click here to check corrigendum, if any