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

+ **CRL.M.C. 8394/2024**

BHUPENDER SINGH @ GINNY @ BHUPINDER SINGH

.....Petitioner

Through: Mr. Rohit Nagpal, Mr. Ankur Singh,
and Mr. Shwetabh, Advocates.

versus

STATE NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Satish Kumar, APP for the State
along with SI Mohit Singh.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

% **23.10.2024**

CRL.M.A. 32041/2024 (Exemption).

Exemption allowed subject to just exceptions.

The application stands disposed of.

CRL.M.C. 8394/2024.

1. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") has been filed by the petitioner praying for quashing of FIR bearing No. 378/2017 registered at Police Station Moti Nagar, Delhi, for offences punishable under Sections 323/341/506/34 of the Indian Penal Code, 1860 (hereinafter "IPC").

2. The petitioner appeared in person has been identified by his counsel Mr. Rohit Nagpal and Investigating Officer SI Mohit Singh, Police Station Moti Nagar, Delhi. The respondent No.2/complainant is also present in the



Court and has been identified by her counsel and the Investigating Officer.

3. On the query made by this Court, respondent no.2/complainant has categorically stated that he has entered into compromise on his own free will and without any pressure. It is also stated by respondent No.2 that the entire dispute has been amicably settled between the parties.

4. The brief facts of the case are that on the intervening night of the 16th and 17th October, 2017, a PCR call was received at Police Station, Moti Nagar and it was discovered that the respondent no. 2 had been admitted to the hospital as the petitioner, while accusing him of being a police informer, attacked him with a sword like object, causing grievous injuries to his head, back and left arm. Pursuant to the aforesaid, the MLC of the respondent no. 2 was prepared and the injuries were found to be simple in nature.

5. Learned counsel appearing on behalf of the petitioner apprise the Court that after filing the chargesheet accused no. 1/ Jagjit Singh @ Jaggi passed away on 9th December, 2024.

6. It is further submitted that the petitioner and respondent no.2 entered into settlement *vide* compromise deed dated 27th September, 2024. The terms and conditions of the said settlement are mentioned in the Compromise Deed/Memorandum of Understanding (“MoU” hereinafter) which is annexed as Annexure P-3 to the petition.

7. It is prayed by the learned counsel appearing on behalf of the parties that the instant FIR may be quashed on the basis of the compromise as per the Judgment of the Hon’ble Supreme Court passed in ***Gian Singh vs. State of Punjab, (2012) 10 SCC 303***. At this juncture, the petitioner appearing in-person also undertakes to not repeat the same conduct in the future.

8. *Per contra*, Mr. Satish Kumar, learned APP for the State submitted



that in case this Court is inclined to allow the instant petition and to quash the FIR in question in view of the settlement arrived at between the parties, cost may be imposed upon the petitioner as the FIR was registered in the year 2017 and a period of more than 7 years of judicial time is wasted.

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

10. It is observed that the instant criminal proceedings involve compoundable offences against the petitioners. However, the parties have entered into a MoU for the quashing of the impugned FIR only with respect to the offences involved herein i.e., Sections 323/341/506/34 of the IPC. Moreover, it is a 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 free will of the victim and has not been imposed upon him by the petitioner or any person related to her.

11. In the instant case, as stated above, the parties herein have reached a compromise and amicably settled the entire disputes without any pressure and the accused no.1 has passed away. Keeping in view the present facts and circumstances of the instant matter, it is observed that no useful purpose would be served by keeping the matter pending. Hence, FIR bearing No. 378/201 registered at Police Station Moti Nagar, Delhi, for offences punishable under Sections 323/341/506/34 of the IPC and consequent 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.

12. The petition alongwith pending applications, if any, stand disposed of.

CHANDRA DHARI SINGH, J

OCTOBER 23, 2024

Rk/sm

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