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

+ **CRL.M.C. 8457/2024**

**ILYASI @ MOHD ILYAS**

.....Petitioner

Through: Mr. Praveen Singh, Mr. Ishar and Mr.  
Hashim Khan, Advocates with  
petitioner in person.

versus

**STATE THROUGH NCT OF DELHI & ORS** .....Respondents

Through: Mr. Mukesh Kumar, APP for the  
State with SI Sitaram with  
respondents in person.

**CORAM:**

**HON'BLE MR. JUSTICE DINESH KUMAR SHARMA**

**ORDER**

**23.12.2024**

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1. Present petition has been filed seeking quashing of FIR No. 196/2018 dated 06.03.2018 registered at Police Station Uttam Nagar under Sections 323/324/341/354/354B/34 IPC.
2. Brief facts of the case are that the FIR was lodged on the complaint of respondent no. 2 thereby alleging that on 4.3.2018, while the complainant and her husband were returning home from Vikas Puri after taking medicine, their car was stopped near Kali Basti Krishna Colony Uttam Nagar by petitioner who was accompanied by two unidentified associates. The petitioner who also ran a dhaba near the complainant's husband's dhaba, started a quarrel, threatening the complainant and her husband. He physically assaulted them using a sharp blunt knuckle, subjected the complainant to molestation, and



caused further harm by kicking them in their private parts before fleeing the scene.

3. Learned Counsel for the petitioner submits that this is case between the persons who are known to each other and during the pendency of the proceedings have resolved their disputes. Ut has been submitted that the parties have arrived at a settlement vide Settlement Deed/Memorandum of Settlement dated 23.09.2024 on the following terms and conditions:-

*“a. that the best efforts made by the Parties themselves and by their family members, relatives, friends and well wishers they have been able to resolved the dispute and differences as both the Parties are relatives and second party not want to pursue present case due to the intervention of well wishers and Family members and relatives, that the second Parte has agreed to withdraw her above said FIR which is pending before Ld. MM.*

*b. That the First parties shall file petition before Hon'ble High Court for quashing of FIR No. 196/18, under section 323/324/341/354/354A/34 Indian Penal Code, P.S. Uttam Nagar, District- Dwarka, Delhi and second parties shall cooperate in getting the same quashed by complying necessary legal formalities and making his presence before the Hon'ble High Court for recording of their required statements as per provision of law.*

*c. That the parties have entered into and executed this settlement without any coercion, undue influence with their own free will and desire.”*

4. Respondent No.2 is present in Court and has duly been identified by the IO. She submits that pursuant to the settlement, she has no objection if the present FIR and all the proceedings emanating therefrom are quashed, She states that she has entered into settlement



amicably and voluntarily without any fear, force and coercion.

5. The High Court is the highest court of the State and is conferred with the power of control and superintendence over all courts subordinate to it. Besides Articles 226 and 227, Section 482 CrPC also acknowledges the inherent power of the high court to secure the ends of justice. In cases where the offences are not compoundable in nature, the parties on account of an amicable settlement invoke the inherent power under Section 482 Cr.P.C for quashing the proceedings on the plea that continuance thereof would merely be an abuse of process of law.
6. It has repeatedly been held by the Courts that if the dispute is private in nature and parties have entered into the settlement at their own free will, the quashing of the proceedings may be done. However, the Courts have to satisfy themselves that the settlement so entered into is within the four corners of the law.
7. Taking into account the totality of facts and circumstances, the case FIR No. 196/2018 dated 06.03.2018 registered at Police Station Uttam Nagar under Sections 323/324/341/354/354B/34 IPC and all the proceedings emanating therefrom are quashed subject to Cost of Rs. 10,000/- imposed upon the petitioner which shall be deposited with the Delhi High Court Staff Welfare Fund.
8. The present petition along with all the pending applications stand disposed of.

**DINESH KUMAR SHARMA, J**

**DECEMBER 23, 2024**

AK/smg