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

+ **CRL.M.C. 8521/2024**

UMESH @ UMESH RAM & ORS.

.....Petitioners

Through: Mr. Deepak Kumar Tiwari, Advocate
along with the petitioners in person

versus

STATE GOVT OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Yudhvir Singh Chauhan, APP for
State with SI Jagmohan (Main IO)
and SI Paramjeet, P.S. Ranhola along
with respondent no. 2 in person

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

25.10.2024

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CRL.M.A. 32497/2024 (Exemption)

Exemption allowed subject to just exceptions.

The application stands disposed of.

CRL.M.C. 8521/2024

1. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") [Earlier Section 482 of the Code of Criminal Procedure, 1973 (hereinafter "Cr.P.C.")] has been filed by the petitioners praying for quashing of FIR bearing No. 70/2021 registered at Police Station Ranhola, Delhi for offences punishable under Sections 308/341/34 of the Indian Penal Code, 1860 (hereinafter "IPC").

2. The brief facts of the case are that a dispute arose between the petitioners and the respondent no. 2 which further escalated to a point that



the petitioners assaulted the respondent No. 2 with a stick. Pursuant to the aforesaid, the present FIR dated 7th February, 2021, was registered against the petitioner.

3. Thereafter, with the intervention of family members, relatives as well as well wishers from both sides, the petitioners and respondent no. 2 entered into a settlement *vide* Memorandum of Understanding/Settlement Deed dated 1st October, 2024. The terms and conditions of the said settlement are mentioned in the Memorandum of Understanding/Settlement Deed dated 1st October, 2024 which is annexed as Annexure-P-2 to the petition.

4. It is, therefore, prayed that the instant FIR be quashed on the basis of Memorandum of Understanding/Settlement Deed dated 1st October, 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***.

5. Learned APP 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 in view of the settlement arrived at between the parties.

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

7. The petitioners are present before this Court and have been identified by their counsel, Mr. Deepak Kumar Tiwari, Advocate and Investigating Officer SI Jagmohan, Police Station Ranhola, Delhi. The respondent No. 2 is also present before this Court and has been identified by the Investigating Officer.

8. On the query made by this Court, respondent No.2 has categorically stated that she has entered into compromise on her 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 and she does not wish to pursue with the matter further. The parties also undertook that they shall abide the terms and conditions of the Memorandum of Understanding/Settlement Deed dated 1st October, 2024 arrived at between the parties.

9. The instant criminal proceedings in respect of non-compoundable offences are private in nature and do not have a serious impact on the society especially when there is a settlement/compromise between victim and 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 her own free will and has not been imposed upon her by the petitioners or any person related to them.

10. In the present case, the complainant/respondent No. 2 is present in person before this Court and has categorically stated that she has entered into compromise and settled the entire disputes amicably with the petitioners by her own free will without any pressure or coercion. Furthermore, there is also no allegation from respondent No.2 that the conduct and antecedents of petitioners have been bad towards her after the compromise.

11. It is pertinent to note that the Hon'ble Supreme Court has categorically observed in the case of ***Ramgopal and Ors. Vs. The State of Madhya Pradesh, 2021 INSC 568***, that the extraordinary power enjoined upon the High Courts under Section 482 of Cr.P.C. can be invoked even when such a case falls within the ambit of non-compoundable offences given that the Court must be satisfied that the nature of the offence does not impact the conscious of the society and that the compromise between the



parties is voluntary and amicable.

12. In the instant case, as stated above, the parties have reached on the compromise and amicably settled the entire disputes without any pressure.

13. In view of the settlement arrived at between the parties and the law laid down by the Hon'ble Supreme Court, the present petition is allowed. Accordingly, FIR bearing No. 70/2021 registered at Police Station Ranhola, Delhi for offences punishable under Sections 308/341/34 of the IPC 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.

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

CHANDRA DHARI SINGH, J

OCTOBER 25, 2024
gs/sm

Click here to check corrigendum, if any