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

+ **W.P.(CRL) 3372/2024**

MAYANK CHAWLA

.....Petitioner

Through: Mr. Kunal Narang, Adv.
Petitioner in person.

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Sanjay Lao, Standing counsel for
State and SI Banay Singh, PS Punjabi
Bagh.
R-2 and 3 in person.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

25.10.2024

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CRL.M.A. 32457/2024

1. Exemption allowed, subject to all just exceptions. Application stands disposed of.

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2. The present petition has been filed under Article 226 of the Constitution of India r/w Section 528 BNSS on behalf of the petitioner seeking quashing of case FIR No. 487/2024 under Section 115(2)/126(2)/351(2)/351(3)/3(5) of BNS registered at PS Punjabi Bagh and all other proceedings emanating therefrom.
3. Briefly stated facts are that a quarrel took place between the parties when the complainant was playing cricket at Punjabi Bagh club and the



petitioner approached the complainant in order to play with him and other people. The complainant informed the petitioner that they already have sufficient players and could not accommodate him. Pursuant to this it is alleged that the petitioner started abusing and hitting everyone with a bat. Therefore due to the alleged scuffle, the present FIR was lodged.

4. Learned Counsel submits that during the pendency of the proceedings, the parties have resolved their disputes amicably, and in furtherance thereof, they have entered into a Memorandum of Understanding dated 15.10.2024.
5. Furthermore, the Learned Counsel for the petitioners submits that since the parties have resolved all their differences amicably, therefore, it would be in the interest of justice to quash FIR No. 487/2024 under Section 115(2)/126(2)/351(2)/351(3)/3(5) of BNS registered at PS Punjabi Bagh and all the other proceedings emanating therefrom.
6. The parties have settled their amicable dispute vide Memorandum of Understanding dated 15.10.2024 on the following terms and conditions:

“1. That the second and third party do not wish to proceed with the report lodged by them and have requested the concerned SHO, P.S. Punjabi Bagh, New Delhi not to proceed further against the first party on the basis of the FIR lodged on their report.

2. That the parties to this MOU have amicably settled all their dispute and grievance against each other and do not wish to proceed further.

3. That the parties have amicably decided to get the FIR closed or quashed by moving jointly to the competent court of law and shall sign all the petitions, affidavit etc. for the



said purpose.

4. That the parties shall appear before the Ld. court for giving statement or admitting the contents of the present MOU and shall cooperate with each other in getting the FIR quashed/closed.

5. This memorandum of understanding has been entered voluntarily without any force or coercion in order to avoid any further complication and to end the misunderstanding crept between the parties.”

7. It is settled that the inherent powers under section 482 of the Code of Criminal Procedure, 1973 are required to be exercised to secure the ends of justice or to prevent abuse of the process of any court. Further, the High Court can quash non-compoundable offences after considering the nature of the offence and the amicable settlement between the concerned parties.
8. In the case of ***Narinder Singh &Ors. V. State of Punjab &Anr.*** (2014) 6 SCC 466 it was *inter alia* held that criminal cases having overwhelmingly and predominantly civil character should be quashed when the parties have resolved their entire disputes among themselves. Therefore, in the present case, predominantly it is a private dispute and parties have settled the matter.
9. Both parties are present in court and have duly been identified by the IO. Respondent states that he has entered into a settlement out of his own free will and without any threat, force or coercion and that he has no objection to the present FIR being quashed.
10. Taking into account the totality of facts and circumstances of the case, this court considers that the parties have entered into an amicable



settlement out of their own free will, without any fear, force or coercion and they should be given an opportunity to lead their lives peacefully. No purpose will be served in continuing with the trial.

11. In view of the above, FIR No. 487/2024 under Section 115(2)/126(2)/351(2)/351(3)/3(5) of BNS registered at PS Punjabi Bagh and all the other proceedings emanating therefrom are quashed subject to Cost of Rs. 75,000/- imposed upon the petitioner. Which shall be deposited with the Delhi High Court Staff Welfare Fund.
12. The present petition along with all the pending applications stand disposed of.

DINESH KUMAR SHARMA, J

OCTOBER 25, 2024/AR/DG..