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

+ **CRL.M.C. 8555/2024**

MAHESH ORS

.....Petitioner

Through: **Mr. Abhishekh Sharma, Advocate.**

versus

STATE NCT OF DELHI & ANR.

.....Respondent

Through: **Mr. Yudhvir Singh Chauhan, APP for
the State with W/SI Shilpi in person
Respondent No.2 in person**

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

27.11.2024

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CRL.M.A. 32633/2024

1. Exemption allowed subject to just exceptions.
2. The application stands disposed of.

CRL.M.C. 8555/2024

3. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS" hereinafter) read with Section 482 of the Code of Criminal Procedure, 1973 has been filed by the petitioners praying for quashing of FIR bearing No. 0255/2024 dated 11th May, 2024 registered at Police Station - Vasant Kunj South, Delhi, for offences punishable under Sections 308/323/354/34 of the Indian Penal Code, 1860 (hereinafter "IPC").
4. The brief facts of the case are that on 11th May, 2024, when the



complainant had gone to fill water from the water pumps, the petitioners stopped her from filling the water, thereby causing a quarrel between both the parties. The petitioners also allegedly made certain derogatory statements towards the complainant, hence, the instant FIR is registered.

5. The petitioners are present before this Court and have been identified by their counsel Mr. Abhishkh Sharma, Advocate and the respondent No. 2, who is also present in-person before this Court, has been identified by the Investigating Officer W/SI Shilpi, Police Station Vasant Kunj South, Delhi.

6. With the intervention of friends, relatives and respective members of society, the parties entered into settlement *vide* Memorandum of Understanding dated 3rd September, 2024. However, in terms of the order dated 28th October, 2024, passed by this Court, the amended Memorandum of Understanding (MoU) dated 12th November, 2024 has been filed. The terms and conditions of the settlement are mentioned in the amended MoU which has been filed.

7. On the query made by this Court, the respondent no.2/complainant has categorically stated that she has entered into compromise on her own free will and without any pressure and therefore, does not wish to pursue this matter further.

8. Furthermore, the petitioners have undertaken that they shall not repeat such type of conduct which led to the registration of the instant FIR.

9. Accordingly, it is prayed that the instant FIR be quashed on the basis of the settlement arrived at between the parties and as per the Judgments 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**.



10. Mr. Yudhvir Singh Chauhan, learned APP for the State submitted that there is no objection to the prayer made on behalf of the petitioner seeking quashing of the FIR in question and subsequent proceedings emanating therefrom, in view of the settlement arrived at between the parties.

11. Learned counsel appearing on behalf of the parties undertakes to abide by all the terms and conditions of the settlement.

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

13. 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 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 the victim on his own free will and has not been imposed upon him by the petitioners or any person related to them. In the present case, the complainant is present in-person before this Court and has categorically stated that he has entered into compromise and settled the entire dispute amicably with the petitioners by his own free will without any pressure or coercion.

14. The Coordinate Bench of this Court in *Paramjeet Singh v. State (NCT of Delhi)*, 2015 SCC OnLine Del 14296, quashed an FIR and proceedings under Section 308/341/34 of the IPC and held that even though an offence punishable under Section 308 of the IPC is not compoundable, being serious in nature, it is the discretion of the Court to exercise its jurisdiction in the interest of justice when a dispute has been settled between the parties and peace has been restored as it is the duty of the Court to prevent continuation of such unnecessary judicial process.



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

16. 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 and the FIR bearing No. 0255/2024 dated 11th May, 2024 registered at Police Vasant Kunj South, Delhi, for offences punishable under Sections 308/323/354/34 of the Indian Penal Code, 1860 IPC and all consequential proceedings emanating therefrom are quashed.

17. The petition alongwith pending application(s), if any, stands disposed of.

CHANDRA DHARI SINGH, J

NOVEMBER 27, 2024
NA/mk

Click here to check corrigendum, if any