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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 8569/2024, CRL.M.A. 32726/2024 & CRL.M.A.
32727/2024.

JITENDAR KUMAR AND ORSPetitioners

Through: Mr. Tushar A. Mudgil, Advocate
with petitioners in person

versus

STATE OF NCT OF DELHI AND ORSRespondents

Through: Mr. Yudhvir Singh Chauhan, APP for
the State with SI Amit Kumar
Mr. Parveen Kumar Aggarwal and
Mr. Abhishek Grover, Advocates for
R-2 to 4

CORAM:
HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER
25.11.2024

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1. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 ("IPC" hereinafter) [now Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS" hereinafter)] has been filed by the petitioners praying for quashing of FIR bearing No. 101/2013, registered at Police Station Nabi Karim, Delhi, for offences punishable under Sections 308/34 of the Indian Penal Code, 1860 (hereinafter "IPC").

2. Learned counsel for the petitioners submits that the FIR was registered against 6 accused persons, however, during the pendency of present case, one accused namely Dharmender expired in 2016, hence, the present petition has been preferred by the remaining 5 accused



persons/petitioners.

3. Petitioners are present before this Court and have been identified by the Investigating Officer (“IO” hereinafter) SI Amit Kumar and their counsel and the respondent Nos. 2 to 4, who are present in-person before this Court, have also been identified by the IO.

4. With the intervention of friends, relatives and respective members of society, the parties entered into settlement vide Settlement Agreement dated 03rd September, 2024. The terms and conditions of the said settlement are mentioned in the aforesaid Settlement Agreement which is annexed as Annexure-P6 to the present petition.

5. On the query made by this Court, the respondent Nos.2 to 4 have categorically stated that they are neighbours of the petitioners and they have entered into the compromise on their own free will and without any pressure and therefore, they do not wish to pursue this matter further. They undertake that they shall abide by all the terms and conditions of the aforesaid Settlement Agreement arrived at between the parties.

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

7. Accordingly, it is prayed that the instant FIR be quashed on the basis of the settlement agreement 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**.

8. Per contra, Mr. Yudhvair Singh Chauhan, APP for the State submitted that there is no objection to the prayer made on behalf of the petitioners seeking quashing of the FIR in question and subsequent proceedings



emanating therefrom, in view of the Settlement Agreement dated 3rd September, 2024 arrived at between the parties, however, it is submitted that cost may be imposed upon the petitioners as the FIR was registered in the year 2013 and a period of more than 11 years of judicial time has been wasted.

9. Learned counsel appearing on behalf of the parties undertake to abide by all the terms and conditions of the settlement agreement.

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

11. 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 Compromise Deed between victim and accused. In such cases, it is settled law that the 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 complainants are present in-person before this Court and have categorically stated that he has entered into compromise and settled the entire dispute amicably with the petitioners by their own free will without any pressure or coercion.

12. In the case of *Narinder Singh v. State of Punjab*, (2014) 6 SCC 466, the Hon'ble Supreme Court laid down detailed guidelines for quashing a criminal proceeding under its inherent power conferred in Section 482 of the Cr.P.C. on the basis of a settlement arrived at between the parties. In the said judgment, it was held that such power shall not be exercised in cases arising out of grave offences like murder, rape, dacoity, and offences committed under special statutes such as the Prevention of Corruption Act,



1988. Therefore, it was held that the guiding factors in such cases would be to secure the ends of justice and to prevent the abuse of process of the Court.

13. Applying the aforesaid principle laid down by the Hon'ble Supreme Court, a 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.

14. In the instant case, as stated above, the parties have reached on the compromise and amicably settled the entire dispute without any pressure. In view of the settlement arrived at between the parties, the present petition is allowed.

15. 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. 101/2013, registered at Police Station Nabi Karim, Delhi, for offences punishable under Sections 308/34 of the IPC, the chargesheet and all the consequential proceedings emanating therefrom are quashed, subject to the deposition of the total amount of Rs. 25,000/- (Rupees Twenty Five Thousand Only), which is to be contributed equally by each petitioner (i.e., Rs. 5000/- each), in the account of Army Central Welfare Fund, Savings Account no. 520101236373338 (IFSC-UBIN0530778), Bank Name- Union Bank of India, Branch- Chandni



Chowk, Delhi – 110006 within a period of two weeks. The receipt of the payment of the aforesaid amount shall be furnished before the IO as well as the Registry of this Court within two weeks.

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

CHANDRA DHARI SINGH, J

NOVEMBER 25, 2024
Rt/st

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