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

+ **CRL.M.C. 8573/2024**

AAMIR KHAN & ORS.

.....Petitioners

Through: Mr. Sunil Satyarthi and Ms. Archisha
Satyarthi, Advocates

versus

THE STATE NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Yudhvir Singh Chauhan, APP for
the State
Ms. Amita Saxena, Advocate for R-2
to R-4(Through VC).

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

26.11.2024

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CRL.M.A. 32735/2024 (Exemption)

Exemption allowed subject to just exceptions.

The application stands disposed of.

CRL.M.C. 8573/2024

1. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS" hereinafter) (earlier Section 482 of the Code of Criminal Procedure, 1973) has been filed by the petitioners praying for quashing of FIR bearing No. 161/2021 registered at Police Station Shaheen Bagh for offences punishable under Sections 308/323/325/34 of the Indian Penal Code, 1860 (hereinafter "IPC").



2. The brief facts of the case are that pursuant to a quarrel that broke out between the petitioners and the respondent no. 2 to 4, the petitioners allegedly physically assaulted them, which led to the filing of the instant FIR and framing of charges against the petitioners.

3. The petitioners are present before this Court and have been identified by their counsel, Mr. Sunil Satyarthi and Investigating Officer (“IO” hereinafter). The respondents no. 2 to 4 have been present before this Court and have been identified their counsel, Ms. Amita Saxena and the IO.

4. With the intervention of common friends, relatives and respective members of society, the parties entered into settlement *vide* Compromise Deed dated 2nd August, 2024. The terms and conditions of the said settlement are mentioned in the Compromise Deed dated 2nd August, 2024 which is annexed as Annexure-P-4 to the petition.

5. On the query made by this Court, the respondents no.2 to 4 have categorically stated that they have entered into compromise on their own free will and without any pressure and therefore, do not wish to pursue this matter further. The parties undertook that they shall abide by all the terms and conditions of the Compromise Deed dated 2nd August, 2024 arrived at between the parties.

6. Accordingly, it is prayed that the instant FIR be quashed on the basis of the Compromise Deed dated 2nd August, 2024 arrived at between the parties.

7. *Per contra*, Mr. Yudhvir 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 Compromise Deed dated 2nd August,



2024 arrived at between the parties.

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

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 Compromise Deed 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.

10. 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.

11. 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.

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

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 and the FIR bearing No. 161/2021 registered at Police Station Shaheen Bagh for offences punishable under Sections 308/323/325/34 of the IPC and all consequential proceedings emanating therefrom are quashed.

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

CHANDRA DHARI SINGH, J

NOVEMBER 26, 2024
gs/st

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