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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(CRL) 3448/2024 & CRL.M.A. 33139/2024
SAURABH RAI ALLIAS SAURAV KUMARPetitioner
Through: Appearance not given.
versus
STATE OF NCT OF DELHI & ANR.Respondents
Through: Mr. Anmol Sinha, ASC and Mr.
Kshitiz Garg for the State.
Respondent no. 2 in person.

CORAM:
HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER
05.11.2024

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1. The instant petition under Article 226 of the constitution of India, 1950 read with Section 528 of the Bharatiya Nagrik Suraksha Sanhita, 2023 (“BNSS” hereinafter) has been filed on behalf of the petitioner seeking the following relief:

“In view of the aforesaid facts and circumstances, it is most respectfully prayed before this Hon'ble Court to quash the FIR No. 0386/2024 registered at P.S. Tilak Nagar, under section 109(1) of The Bharatiya Nyaya Sanhita (BNS), 2023 and all proceedings emanating therefrom and/ or pass any other order as this Hon'ble Court deems fit and proper in view of the aforesaid facts and circumstances.”

2. The brief facts of the case are that the petitioner and respondent no. 2 were co-workers and shared cordial relationship with each other. On 31st July, 2024, when the parties are playing with a toy gun in a fidgeting manner, the petitioner caused harm to the respondent no. 2, which resulted in bleeding.

3. With the intervention of their respective family members, the parties



arrived at a settlement as mentioned in the affidavit of the complainant filed *vide* diary no. 4992099/2024. It is submitted that as per paragraph no. 6 and 7 of the said affidavit, both the parties have settled the matter and the said affidavit may be taken on record. The said affidavit is taken on record.

4. The petitioner is behind the bars and the complainant is present before this Court and has been identified by the Investigating Officer.

5. On the query made by this Court, respondent no.2 has categorically stated that he has entered into compromise on his 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 he does not wish to pursue the matter further. The parties also undertook that they shall abide the terms and conditions of the affidavit.

6. Accordingly, it is prayed that the instant FIR may be quashed on the basis of the compromise 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***. At this juncture, the petitioner appearing in-person also undertakes to not repeat the same conduct in the future.

7. Mr. Anmol Sinha, learned ASC vehemently opposed the instant petition and submitted that the petitioner is charged with a serious offence of causing fatal injury to the respondent no. 2, hence, the instant petition may not be allowed.

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

9. It is a settled law that while exercising its powers under Section 528 of the BNSS, the Court has the inherent power to quash the FIR, even in non-compoundable offences, especially a settlement/compromise is arrived



at between the victim and the 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 his own free will and has not been imposed upon him by the petitioner or any person related to him.

10. Moreover, the complainant, who is appearing in person, has categorically stated that he has entered into compromise and settled the entire disputes amicably with the petitioner by his own free will without any pressure or coercion. There is also no allegation from respondent no.2 that the conduct and antecedents of petitioner have been bad towards him after the compromise. Furthermore, the injury caused by the petitioner to the respondent no. 2 is non-fatal in nature.

11. In view of the settlement arrived at parties, contents of the complainant's affidavit and the law laid down by the Hon'ble Supreme Court in *Gian Singh (Supra)*, the present petition is allowed.

12. Keeping in view the fact that the matter stands amicably been settled between the petitioner and respondent no.2 amicably without any pressure, no fruitful purpose would be served by keeping the matter pending. Hence, FIR bearing No. 0386/2024 registered at Police Station Tilak Nagar, for offences punishable under Section 109(1) of The Bharatiya Nyaya Sanhita (BNS), 2023 and consequent proceedings emanating therefrom are quashed.

13. Accordingly, the instant petition stands disposed of. Pending applications, if any, stands dismissed.

CHANDRA DHARI SINGH, J

NOVEMBER 5, 2024/Rk/mk [Click here to check corrigendum, if any](#)