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

+ **CRL.M.C. 8796/2024**

SALMAN QURESHI

.....Petitioner

Through: Mr. Kshitiz Ahuja, Mr. Kapil
Chaudhary, Mr. Harshit Luthra, Mr.
Pulkit Luthra, Advs.

versus

THE STATE GOVT. OF NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Aman Usman, APP with SI
Sanjeev Singh, PS Ghazipur
Mr. Vineet Nagar, Adv.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

03.12.2024

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1. This is a petition seeking quashing of FIR No. 0561/2021 dated 06.11.2021 u/s 323/341/506/34 of IPC registered at PS Gazipur, Delhi and consequential proceedings emanating therefrom.
2. As per the FIR, the petitioner had a fight with respondent No. 2 while going in his car. The petitioner hit respondent No. 2 and took Rs. 47,000/- from respondent No. 2.
3. During the pendency of the proceedings, the parties have arrived at a settlement on 30.03.2024, wherein the parties have settled their disputes.
4. The petitioner has paid a sum of Rs. 47,000/- to the respondent No. 2.
5. Petitioner is present in court and is identified by Mr. Mr. Kshitiz



Ahuja, Adv. Respondent No. 2 is also present and is identified by Mr. Vineet Nagar, Adv.

6. Both the parties state that they have entered into the aforesaid settlement out of their own free will, volition and without any threat, force, undue influence or coercion.

7. Mr. Usman, learned APP states that in the present case, since the learned trial court, after considering the entire investigation, has framed charges u/s 392/394/397/506(ii)/34 IPC, hence this court should not quash the present FIR.

8. He relies on the judgment of the Hon'ble Supreme Court in ***State of Madhya Pradesh v. Laxmi Narayan & Ors.*** (2019) 5 SCC 688. The operative portion read as under:-

“11.1. However, the High Court has not at all considered the fact that the offences alleged were non-compoundable offences as per Section 320 CrPC. From the impugned judgment and order, it appears that the High Court has not at all considered the relevant facts and circumstances of the case, more particularly the seriousness of the offences and its social impact. From the impugned judgment and order passed by the High Court, it appears that the High Court has mechanically quashed the FIR, in exercise of its powers under Section 482 CrPC. The High Court has not at all considered the distinction between a personal or private wrong and a social wrong and the social impact. As observed by this Court in State of Maharashtra v. Vikram Anantrai Doshi [State of Maharashtra v. Vikram Anantrai Doshi, (2014) 15 SCC 29 : (2015) 4 SCC (Cri) 563] , the Court's principal duty, while exercising the powers under Section 482 CrPC to quash the criminal proceedings, should be to scan the entire facts to find out the thrust of the allegations and the crux of the settlement. As observed, it is the experience of the Judge that comes to his aid and the said



experience should be used with care, caution, circumspection and courageous prudence. In the case at hand, the High Court has not at all taken pains to scrutinise the entire conspectus of facts in proper perspective and has quashed the criminal proceedings mechanically. Even, the quashing of the FIR by the High Court in the present case for the offences under Sections 307 and 34 IPC, and that too in exercise of powers under Section 482 CrPC is just contrary to the law laid down by this Court in a catena of decisions.

....

15.4. *Offences under Section 307 IPC and the Arms Act, etc. would fall in the category of heinous and serious offences and therefore are to be treated as crime against the society and not against the individual alone, and therefore, the criminal proceedings for the offence under Section 307 IPC and/or the Arms Act, etc. which have a serious impact on the society cannot be quashed in exercise of powers under Section 482 of the Code, on the ground that the parties have resolved their entire dispute amongst themselves. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to framing the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delicate parts of the body, nature of weapons used, etc. However, such an exercise by the High Court would be permissible only after the evidence is collected after investigation and the charge-sheet is filed/charge is framed and/or during the trial. Such exercise is not permissible when the matter is still under investigation. Therefore, the ultimate conclusion in paras 29.6 and 29.7 of the decision of this Court in Narinder Singh [Narinder Singh v. State of Punjab, (2014) 6 SCC 466 : (2014) 3 SCC (Cri)*



54] should be read harmoniously and to be read as a whole and in the circumstances stated hereinabove;”

9. I have heard learned counsel for the parties.

10. In the present case, as per the MLC, the nature of injuries suffered by respondent No. 2 is swelling of the right cheek and blackening below the right eye. The nature of injury suffered by the petitioner is opined to be simple in nature.

11. In view of para 15.4 of ***Laxmi Narayan (supra)***, in case the matter has been settled and the nature of injuries are simple and the court is of the view that the trial would be an empty formality, the court in exercise of power u/s 482 Cr.P.C. can proceed to quash the FIR.

12. Further, in para 15.2 of ***Laxmi Narayan (supra)***, the Hon’ble Supreme Court held as under:

“15.2. Such power is not to be exercised in those prosecutions which involved heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society;”

13. I am also of the view that it is not an offence which falls in any of the above category. In the times of today wherein the courts are flooded with cases involving heinous crimes against the society like murder, rape, dacoity, etc, I am of the view that the prosecution of the present FIR would be an empty formality as the respondent No. 2 has already settled the dispute and there is little likelihood of respondent No. 2 coming forward and giving his testimony.

14. A coordinate bench of this Court in ***Amit Kumar v. State (Govt. of NCT of Delhi)***, 2016 SCC OnLine Del 2035 has relied on the Supreme Court judgment of ***Narinder Singh v. State of Punjab***, (2014) 6 SCC 466 to



state that by determining certain principles, the High Court can quash non-compoundable offences. The relevant paragraphs are as under:

“11. It is a well settled law that where the High Court is convinced that the offences are entirely personal in nature and therefore do not affect public peace or tranquillity and where it feels that quashing of such proceedings on account of compromise would bring about peace and would secure ends of justice, it should not hesitate to quash them. In such cases, pursuing prosecution would be waste of time and energy. Non-compoundable offences are basically an obstruction in entering into compromise. In certain cases, the main offence is compoundable but the connected offences are not. In the case of B.S. Joshi v. State of Haryana (2003) 4 SCC 675 the Hon'ble Apex Court observed that even though the provisions of Section 320 Cr.P.C. would not apply to such offences which are not compoundable, it did not limit or affect the powers under Section 482 Cr.P.C. The Hon'ble Apex Court laid down that if for the purpose of securing the ends of justice, quashing of FIR becomes necessary, section 320 Cr.P.C. would not be a bar to the exercise of power of quashing. In the nutshell, the Hon'ble Apex Court justified the exercise of powers under Section 482 Cr.P.C. to quash the proceedings to secure the ends of justice in view of the special facts and circumstances of the case, even where the offences were non-compoundable.”

15. For the said reasons and since the parties have arrived at a settlement and no disputes are pending, I am convinced that quashing of such proceedings on account of compromise would bring about peace and would secure the ends of justice. This court does not see any fruitful purpose if criminal proceedings are permitted to be prosecuted any further. It is a fit case for quashing. In this view of the matter, there is no reason to continue the proceedings.

16. In this view of the matter, FIR No. 0561/2021 dated 06.11.2021 u/s 323/341/506/34 of IPC registered at PS Gazipur, Delhi and consequential



proceedings are hereby quashed.

17. The petition is disposed of.

JASMEET SINGH, J

DECEMBER 3, 2024/DM

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