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

+ CRL.M.C. 6167/2024, CRL.M.A. 23573/2024

NIVESH BENIWAL & ORS.

.....Petitioners

Through: Appearance not given.

versus

STATE NCT OF DELHI AND ORS.

.....Respondents

Through: Mr. Satish Kumar, APP for the State

**CORAM:**

**HON'BLE MR. JUSTICE DINESH KUMAR SHARMA**

**ORDER**

**08.08.2024**

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1. The present petition has been filed seeking quashing of FIR No. 284/2017, registered at PS Madhu Vihar, Delhi registered under Section 323/341/506/308/34 IPC.
2. Briefly stated fact are that the FIR was lodged by Akash/respondent no.2 alleging therein that on 17.08.2017 at around 9 PM, he was going towards his house, petitioner/Nitesh and his uncle Vinod came from the back side. The petitioner/Nitesh blocked his way and Vinod assaulted the complainant with a wooden danda on his head. The complainant stated that earlier also they had quarrel.
3. After investigation, the chargesheet has been filed and injuries were simple in nature.
4. Learned counsel for the petitioner submits that, during the pendency of proceedings the parties have entered into a compromise with the intervention of well-wishers and elders of the society and a settlement is recorded vide MOU dated 11.01.2024.



5. The dispute is predominantly of private nature.
6. IO has duly identified the parties and submits that there are no other cases pending before the parties.
7. I have gone through the settlement which has been placed on record. The settlement agreement provides for the following terms and conditions:

*“1. That the due to some misunderstanding and temperamental differences, the second party got registered a FIR bearing No. 284/2017 from PS Madhu Vihar under Section 323/341/506/308/34 on 18/8/2017 against the first party.*

*2. That now both the parties being neighbors with each other, with the passage of time, have settled all their disputes amicably with each other in presence of the common friends and relatives with out any pressure, coercion, fraud or undue influences from any corner.*

*3. That it has been settled between the parties that after the execution of this compromise deed/MOU, the both parties will not file any case either Criminal or Civil before any court of law against each other.*

*4. That it has been agreed between the parties that both the parties will withdraw all their respective cases from the concerned courts if any by moving in competent court of law.*

*5. That the both the parties agreed to cooperate with each other in getting quashed the FIR bearing No. 284/2017 from PS Madhu Vihar under Section 323/341/506/308/34 on 18/8/2017 against the first in the Hon'ble High Court of Delhi without any fail.*

*6. That after the quashing of FIR, both the parties shall not interfere the smooth life functioning with each other in any way.*



*7. That both the parties shall not repeat any such type of offence with each other and they will bound the terms and conditions of this MOU.”*

8. It is settled that the inherent powers under section 482 of the Code are required to be exercised to secure the ends of justice or to prevent abuse of the process of any court. Further, the High Court can quash non- compoundable offences after considering the nature of the offence and the amicable settlement between the concerned parties.
9. Guided by the principles laid down by the Hon’ble Supreme Court in its judgments in ***Gian Singh v. State of Punjab***, (2012) 10 SCC 303; ***Parbatbhai Aahir @ Parbatbhai Bhimsinbhai Karmur & Ors. v. State of Gujarat & Ors.*** (2017) 9 SCC 641; and, ***State of Haryana & Ors. v. Bhajan Lal & Ors.*** 1992 Supp (1) SCC 335, this Court deems it appropriate, in the interest of justice, to exercise its inherent powers under Section 482 of the Cr.P.C. to quash the FIR and all the proceedings emanating therefrom.
10. Taking into account the totality of facts and circumstances of the case, this court considers that the parties have entered into an amicable settlement out of their own free will, without any fear, force or coercion and they should be given an opportunity to lead their lives peacefully. No purpose will be served in continuing with the trial.
11. Hence, the FIR No. 284/2017, registered at PS Madhu Vihar, Delhi under Section 323/341/506/308/34 IPC is quashed.

**DINESH KUMAR SHARMA, J**

**AUGUST 8, 2024/Pallavi/KR**