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

+ W.P.(CRL) 3585/2024 and CRL.M.A. 36451/2024

AVNEET SINGH ARORA

.....Petitioner

Through: Mr.Tejasvi Mahajan, Mr.Lokesh
Kumar and Mr.Shashwat Sarin,
Advocates with petitioner in person.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr.Anand V.Khatri, ASC (Crl.) with
Ms.Neelu and Mr.Ashish Rah,
Advocates
Mr.Paras Dhyani, Advocate for
Complainant.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

04.12.2024

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Crl.M.A. No. 36451/2024 (for Impleadment)

The instant application has been filed on behalf of the applicant seeking impleadment as petitioner no.2 in the memo of parties.

For the reasons stated in the application, the application is allowed and the applicant is directed to be impleaded as petitioner no.2 in the memo of parties. The amended memo of parties annexed with the application is taken on record.

The application stands disposed of.

W.P.(CRL) 3585/2024

1. The petitioners, vide the present petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") seeks quashing of the FIR No.0182/2024, dated 27th July, 2024 registered at Police Station - Hazarat



Nizamuddin, Delhi under Sections 115(2)/126(2)/ 194(2)/ 304(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter “BNS”) .

2. Learned counsel appearing on behalf of the petitioner submitted that the aforesaid FIR was registered at the instance of the complainant/respondent no. 2 wherein he alleged that two unknown individuals beat him and snatched his gold chain and ring.

3. It is submitted that after much deliberation and discussions, the parties have amicably resolved their disputes and a settlement has been arrived at between the parties to the petition vide Memorandum of Understanding dated 1st October, 2024 (hereinafter “MOU”). The terms and conditions of the said MOU are mentioned in the settlement deed which is annexed as Annexure P-3 to the petition.

4. It is submitted that no useful purpose would be served by the continuation of the proceedings in relation to the present FIR. Therefore, it is prayed that the instant petition may be allowed and the FIR and all the consequential proceedings emanating therefrom be quashed.

5. Learned ASC for the State submitted that there is no opposition to the prayer made on behalf of the petitioner seeking quashing of the FIR in question in view of the settlement arrived at between the parties.

6. Heard learned counsel for the parties and perused the material available on record.

7. 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 settlement/compromise between victim and accused.

8. It was observed by the Hon’ble Supreme Court in the case of



Ramgopal and Ors. Vs. The State of Madhya Pradesh, 2021 INSC 568, that the extraordinary power enjoined upon the High Courts under Section 482 of the Code of Criminal Procedure, 1973 (now Section 528 of the BNSS) can be invoked even when such a case falls within the ambit of non-compoundable offences given that the Court must be satisfied that the nature of the offence does not impact the conscious of the society and that the compromise between the parties is voluntary and amicable.

9. In such cases, it is a 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 own free will and has not been imposed upon by the petitioner or any other related person.

10. The Investigating Officer of the case is present and has identified the petitioners no. 1 and 2 namely, Mr. Avneet Singh Arora and Mr. Rohan Malhotra present in the Court today as being the two accused arrayed in the said, and has also identified the respondent no.2 Mr.Krishna Kant Sharma (through VC) as being the complainant in the said FIR. The parties have also been identified by their respective counsel.

11. In the present case, the complainant is present in Court (through VC) and has categorically stated that he has entered into the compromise and settled the entire disputes amicably with the petitioners by his own free will and without any pressure or coercion. There is also no allegation from respondent no.2 that the conduct and antecedents of petitioners have been bad towards him after the compromise.

12. In replies to specific Court queries, the respondent No.2 has affirmed the factum of the settlement arrived at between him and the petitioners vide the MOU dated 1st October, 2024.



13. It has been stated by the respondent no. 2 that in terms of the MOU, all the articles of the respondent no.2 have been returned to him. He has further stated that in view of the settlement arrived at between him and the petitioners, he does not oppose the prayer made by the petitioners seeking quashing of the said FIR nor does he want them to be punished in relation thereto. He further submitted that he has settled all his disputes voluntarily, of his own accord and without any duress, pressure or coercion.

14. In the instant case, as stated above, the parties have reached on the compromise and amicably settled the entire disputes without any pressure. Further, the offences alleged in the FIR consist of both compoundable and non-compoundable offences, however, in view of the law laid down by the Hon'ble Supreme Court, and the fact that the complainant himself does not wish to pursue the matter any further as he has amicably settled the dispute with the petitioners, this Court is of the view that keeping the matter pending for adjudication would be a futile exercise.

15. Therefore, in light of the aforesaid facts and circumstances as well as the settled position of law, the present petition is allowed. Accordingly, FIR No.0182/2024, dated 27th July, 2024 registered at Police Station - Hazarat Nizamuddin, Delhi under Sections 115(2)/126(2)/ 194(2)/ 304(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 and all consequential proceedings emanating therefrom are quashed.

16. The petition is disposed of accordingly. Pending applications, if any, stand disposed of.

CHANDRA DHARI SINGH, J

DECEMBER 4, 2024/SV/RYP

Click here to check corrigendum, if any