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

+ **CRL.M.C. 9030/2024**

KULDEEP KUMAR

.....Petitioner

Through: Mr. Ankur Aggarwal, Adv. with
petitioner.

versus

STATE GOVT. OF NCT OF DELHI AND ORS.Respondents

Through: Mr. Mukesh Kumar, APP for State
and SI Hardeep, PS Anand Parbat.
R-2 and 3 in person.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

20.11.2024

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CRL.M.A. 34606/2024

1. Exemption is allowed subject to all just exceptions.
2. Application stands disposed of.

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3. The present petition has been filed under Section 528 BNSS seeking quashing of case FIR No. 196/2022 dated 20.03.2022 under Section 323/451/506 IPC registered at PS Anand Parbat and all other proceedings emanating therefrom.
4. Issue notice.
5. Learned APP for the State has accepted the notice.
6. Brief facts of the case are that on the day of the incident, the petitioner visited the tenanted premises to collect rent from them. During a heated



conversation, an altercation ensued, leading to the registration of the present FIR. However, during the pendency of the proceedings with the intervention of the local community, all disputes between the parties have been amicably resolved.

7. I have perused the Settlement deed dated 13.09.2024 which has been placed on record. The parties have resolved their disputes based on the following terms and conditions:

“1. Parties first try to compound the matter/ FIR case by filing joint application before the learned trial court if the same not compounded then parties move for quashing the FIR before the Hon'ble High Court.

1. Second Party shall file a quashing petition before the Hon'ble High Court of Delhi for quashing of F.I.R No. 196/2022 dated: 20/03/2022 PS: Anand Parbat, U/s: 323/451/506 IPC.

2. First Parties shall issue a No objection through an affidavit for quashing of the aforesaid F.I.R and shall also present himself before the Hon'ble High Court of Delhi for recording of statement if any by the Hon'ble High Court of Delhi.

3. First Party agrees and accepts that they shall not raise any objection to the quashing petition filed by the Second Party or for compounding the FIR Case before the trial court.

4. Except as specifically provided herein, each party releases the other from any and all allegations which either party has or may have against the other arising out of or in any way connected with the F.I.R. This Deed is intended to be a full, binding and complete settlement between the parties except as specifically set forther herein, subject only to approval of the court.



5. Parties have settled all their claims against each other no party shall levy any claims of any kind whatsoever against the other.

6. Parties have signed this deed out of their own free will and consent and after understanding the terms and conditions in vernacular and without any force or coercion of any kind whatsoever.

7. Parties shall cooperate with each other at all times for quashing/ compounding / closure of cases filed against the second party and shall do all such act(s) as may be required to be done for the said purpose.

Parties have executed this Deed on date mentioned hereinabove at New Delhi.”

13. The High Court is the highest court of the State and is conferred with the power of control and superintendence over all courts subordinate to it. Besides Articles 226 and 227, Section 482 CrPC also acknowledges the inherent power of the high court to secure the ends of justice. In cases where the offences are not compoundable in nature, the parties on account of an amicable settlement invoke the inherent power under Section 482 Cr.P.C. for quashing the proceedings on the plea that continuance thereof would merely be an abuse of process of law.
14. It has repeatedly been held by the Courts that if the dispute is private in nature and parties have entered into the settlement at their own free will, the quashing of the proceedings may be done. However, the Courts have to satisfy themselves that the settlement so entered into is within the four corners of the law.
15. Respondent Nos. 2 and 3 are present in court and have also accepted the notice. The IO has duly identified them. They state that they have



already vacated the rented premises and wish to live their lives in peace and harmony. Consequently, it has been submitted that they have no objection to the quashing of the present FIR and all proceedings arising therefrom. They affirm that the settlement with the petitioner has been entered into voluntarily, without any fear, force, or coercion.

16. In view of the above, I see no reason to reject the settlement arrived at between the parties. Upon interaction, it also appears that Respondent no. 2 & 3 are not going to support the case of the prosecution and the possibility of conviction is remote and bleak. Thus, continuation of the criminal proceedings would be an exercise in futility, and it is an abuse of the process of the court.
17. Accordingly, the FIR No. 196/2022 dated 20.03.2022 under Section 323/451/506 IPC registered at PS Anand Parbat and all other proceedings emanating therefrom are quashed.
18. The present petition, along with pending applications, if any, are disposed of.

DINESH KUMAR SHARMA, J

NOVEMBER 20, 2024/AR/SMG..