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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 9035/2024 & CRL.M.A. 34628/2024, CRL.M.A.
34629/2024
MANOJ

.....Petitioner

Through: Mr. Nagender Kumar, Ms. Nishu
Kumari, Advs.

Mr.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondent

Through: Mr. Sunil Kumar Gautam, APP
SI Amit Rathee, PS-Paschim Vihar
East

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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20.11.2024

CRL.M.A. 34629/2024

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

CRL.M.C. 9035/2024

3. This is a petition filed under Section 482 of CrPC/528 of BNSS, 2023 seeking quashing of F.I.R. No. 488/2019 dated 11.08.2019 registered at PS-Paschim Vihar East, Delhi under sections 307 of IPC. Later on, section 25, 27, 54, 59 of Arms Act, 1959 were also added in the Chargesheet.
4. The allegation is that there was a fight between the petitioner and the respondent No. 2 and the petitioner stabbed the respondent No. 2 on account of misunderstanding.
5. The parties have arrived at a settlement, wherein respondent No. 2 has settled his disputes with the petitioner and has agreed to cooperate in quashing the FIR.



6. The petitioner is present in Court and is identified by Mr. Nagender Kumar, learned counsel and respondent No. 2 is also present in Court and is identified by IO SI Amit Rathee, PS Paschim Vihar East.

7. Even though the offence is under 307 of IPC, a coordinate bench of this Court in catena of judgments including ***Crl. M.C. 111/2016*** titled as “***Dina Nath Prasad & Ors. vs. The State & Anr.***” quashed the FIR in similar circumstances while relying on “***Gian Singh Vs. State of Punjab and Another***” (2012) 2 SCC (L&S) 998 and “***Narinder Singh & Ors. Vs. State of Punjab & Anr***” 2014 6 SCC 466. The relevant paras of ***Dina Nath Prasad*** (*supra*) reads as under:

“7. Both the parties who are present in the Court today, approbate the aforesaid settlement dated 21.12.2015 and undertake to remain bound by the same.

8. As discussed above, offence punishable under Section 307 of the IPC and Section 27 Arms Act are not compoundable being of serious nature, however, if the Court feels that continuation of criminal proceedings will be an exercise in futility and justice in this case demands that the dispute between the parties is put to an end and peace is restored, it can order for quashing of the FIR or criminal proceedings as it is the duty of the Court to prevent continuation of unnecessary judicial process.

9. In view of the law discussed above, considering the settlement arrived at between the parties and the statements of respondent Nos.1 & 2, I am of the considered opinion that this matter deserves to be given a quietus as continuance of proceedings arising out of the FIR in question would be an exercise in futility.”

8. In view of the facts and circumstances that the matter has been settled between the parties, I am satisfied that the settlement is lawful. Since the parties have arrived at a settlement and no disputes are pending, I am convinced that quashing of the present FIR and the chargesheet filed



thereafter would bring peace and secure ends of justice and continuation of judicial proceedings would be an exercise in futility.

9. In view of the above facts and since no useful purpose will be served in continuance of the present criminal proceedings, it is directed that the aforesaid FIR and the consequent proceedings arising therefrom are hereby quashed.

10. With these observations, the present petition is disposed of.

JASMEET SINGH, J

NOVEMBER 20, 2024/sp

Click here to check corrigendum, if any