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

+ **CRL.M.C.,.. 9197/2024**

MANISH KUMAR SHARMA & ANR.Petitioners

Through: Petitioners through VC.

versus

STATE (NCT OF DELHI) & ANR.Respondents

Through: Ms. Meenakshi Dahiya, APP for State
and SI Kiran Dayal, PS Moti Nagar
and ASI Jagpal Singh, PS DIU/SD.

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

ORDER

% **25.11.2024**

CRL.M.A. 35215/2024

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

CRL.M.C. 9197/2024

3. The present petition has been filed under Section 528 BNSS seeking quashing of case FIR No. 58/2016 under Section 324/279/34 IPC registered at PS Moti Nagar and all other proceedings emanating therefrom.
4. Briefly stated facts of the case are that the above-mentioned FIR was lodged on the statement of the complainant/respondent No.2 Sh. Ganga Sagar. The parties have a relationship of client and advocate. The FIR was registered as a result of the quarrel which took place between the



parties. Pursuant to this, chargesheet was also filed.

5. Learned counsel for the petitioner submits that the matter has been settled between the parties on 01.12.2021 on the following Terms and conditions:

“1. It is agreed between the parties that respondents/accused Shri Utkarsh and Shri Manish Sharma have jointly agreed to pay a total sum of 2,00,000/- (Rupees One Lakh only) to complainant Shri Kunal Lamba towards full and final settlement amount in respect of all the claims/ disputes arising out of present case FIR.

2. The aforesaid sum of 2,00,000/- (Rupees One Lakh only) shall be given to complainant Shri Kunal Lamba in the following manner:-

(i) A sum of Rs.50,000/- each shall be given by the respondents/accused Shri Utkarsh and Shri Manish Sharma to complainant on or before 15.05.2024

(ii) A sum of Rs.50,000/- each shall be given by the respondents/accused Shri Utkarsh and Shri Manish Sharma to complainant at the time of recording the statement for quashing of FIR.

3. It is agreed between the parties that the petition u/s 482 Cr.P.C. shall be filed by respondents/accused persons namely Shri Utkarsh and Shri Manish Sharma for quashing of FIR No.58/2016, PS Moti Nagar u/s 324/279/34 IPC before Hon'ble Delhi High Court within 45 days from today and the complainant Shri Kunal Lamba shall co-operate with the respondents/accused persons for quashing of FIR. The expenses for filing & drafting of quashing petition shall be borne by respondents/accused persons. The complainant Shri Kunal Lamba agrees to give "No objection" and shall cooperate and execute all the requisite documents which may be required for the said purposes including affidavits, casting personal appearance before Hon'ble High Court of



Delhi as required for the said purpose.

4. That it is agreed between the parties that after complying with the above terms, no dispute whatsoever shall remain surviving in respect of the above mentioned matter. The parties undertake not to take up any issue or action against each other qua the subject FIR No.58/2016 PS Moti Nagar as mentioned above before any Court/Forum/Authority at any time in future.

5. That the parties have gone through the terms herein before recorded and have confirmed and verified the same to be correct and that they are going to sign it without any threat, pressure, coercion or undue influence from any quarter. Both sides undertake to abide by these terms.”

6. Respondent No.2 is present in Court and has duly been identified by the Investigating Officer. Respondent No.2 states that he has received the entire amount. Respondent No.2 further states that he has entered into a settlement amicably and voluntarily without any fear, force or coercion.
7. 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.
8. 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.

9. Taking into account the totality of facts and circumstances, the case FIR No. 58/2016 under Section 324/279/34 IPC registered at PS Moti Nagar and all other proceedings emanating therefrom.
10. The present petition stands disposed of.

DINESH KUMAR SHARMA, J

NOVEMBER 25, 2024/AR/HT..