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

+ **CRL.M.C. 9225/2024& CRL.M.A. 35365/2024**

SONU @AFSAR

.....Petitioner

Through: Mr. Akhilesh Kumar Singh, Adv.

versus

STATE GOVT. OF NCT OF DELHI & ANR.Respondents

Through: Mr. Sunil Kumar Gautam, APP for
the State

Mr. Piyush Kumar, Adv. for R-2.

SI Jitender Kumar, PS Anand Parbat

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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26.11.2024

CRL.M.A. 35364/2024-EX.

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

CRL.M.C. 9225/2024

3. This is a petition filed under Section 482 of the Criminal Procedure Code, 1997 (Section 528 of the BNSS) seeking quashing of FIR No. 0172/2017, dated 13.06.2017, registered at PS Anand Parbat, Delhi under Sections 308/34 IPC, 1860 and all consequential proceedings emanating therefrom, if any.
4. Briefly stating the facts are that the FIR got registered on the complaint of Respondent no. 2/complainant wherein it was alleged that an altercation took place between some people, including the petitioner and



respondent no. 2. The petitioners including the other people hit the respondent no. 2 with a brick on his head.

5. Hence the present FIR came to be registered.

6. During the pendency of the proceedings, the complainant has settled the matter with the petitioner and has agreed to cooperate in quashing of the FIR.

7. The petitioner i.e. Mr. Sonu is present and is identified by his counsel, namely Mr. Akhilesh Kumar Singh, Adv.

8. Respondent No. 2/complainant i.e. Mr. Rohit is also present and is identified by Mr. Piyush Kumar, Adv. and SI Jitender Kumar, PS Anand Parbat.

9. Even though the FIR is registered under section 308 of IPC 1860, a coordinate bench of this Court in ***Crl. M.C. 1651/2022*** titled as “***Khalid Alias Painter and Ors. vs The State NCT of Delhi and Anr***” and ***Crl. M.C. 1656/2022*** titled as “***Nafees Ahmad Saifi and Ors.. vs The State NCT of Delhi and Anr***” quashed the FIR in similar circumstances while relying on ***Yashpal Chaudhrani and Others vs State (Govt. of NCT Delhi) and Another*** 2019 SCC OnLine Del 8179 and ***Gian Singh vs State of Punjab*** (2012) 10 SCC 303. The relevant paras of ***Khalid Alias Painter*** (supra) reads as under:

“8. It has repeatedly been held by this court and the Hon’ble Supreme Court that if there is a trivial dispute between the parties and they have settled the matter amicably, it is desirable to put a quietus to the matter in dispute. It has also been held that merely because the FIR is registered under Section 308 IPC, it would not debar the court from quashing the FIR. The court has to look at the nature of injuries and



all the attendant circumstances. Reliance can be placed on Yashpal Chaudhrani and Others vs. State (Govt. of NCT Delhi) and Another, 2019 SCC OnLine Del 8179; Gian Singh v. State of Punjab, (2012) 10 SCC 303.

9. Now since both the parties live in the same vicinity and have undertaken to maintain peace and harmony. In my opinion, it is in the interest of social harmony that they are given a chance to adhere to the settlement, which has been entered into between the parties out of their own free will.”

10. I am convinced that the both the parties have entered into the aforesaid settlement out of their own free will, volition and without any threat, force, undue influence or coercion. In addition, it is stated by respondent No.2 that he has no objection if the FIR is quashed.

11. Since the parties have arrived at a settlement and no disputes are pending, I am of the view that quashing of such proceedings on account of compromise would bring about peace and would secure ends of justice. The Court does not see any fruitful purpose if criminal proceedings are permitted to be prosecuted any further. It is a fit case for quashing. In this view of the matter, there is no reason to continue the proceedings.

12. However, I am of the view that considerable time of the police and judicial time has been wasted. The police machinery has been put in motion on account of the acts of commission & omission on behalf of the parties and useful time of the police which could have been utilised for important matters has been misdirected towards this case. Hence, the petitioners must pay some costs.

13. For the reasons noted above, FIR No. 0172/2017, dated 13.06.2017,



registered at PS Anand Parbat, Delhi under Sections 308/34 IPC, 1860 and all consequential proceedings emanating therefrom, if any are hereby quashed subject to the petitioners deposit a sum of Rs. 10,000/- as costs with DHCLSC within 4 weeks.

14. The proof of payment will be filed within 6 weeks failing which the file will be put up.

15. The petition is disposed of accordingly.

JASMEET SINGH, J

NOVEMBER 26, 2024/NG