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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 9219/2024 & CrI.M.A.35349/2024**
UDHAM SINGH @ TITOO AND ORSPetitioners
Through: Mr. S.S. Dalal, Advocate with
petitioners in person
versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents
Through: Mr. Satish Kumar, APP for the State
Ms. Shivani Ghosh, Advocate for R-2
with R-2 in person

CORAM:
HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER
26.11.2024

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1. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter “BNSS”) has been filed by the petitioners praying for quashing of FIR bearing No. 564/2022, registered at Police Station – Baba Haridas Nagar, Delhi, for the offences punishable under Sections 323/354/451/509/34 of the Indian Penal Code, 1860 (hereinafter “IPC”).

2. The brief facts of the case are that on 25th May, 2022, the petitioner No.2 had filed a civil suit for possession and permanent injunction before the learned District & Sessions Judge, Dwarka Court against the respondent No.2 qua dispute with regard to property situated in the revenue estate off village Haibutpura, Najafgarh, New Delhi. Thereafter, on the complaint of respondent No.2, the aforesaid FIR was registered wherein she alleged that the petitioner No.1 physically assaulted her as well as the other allegations which are mentioned in the said FIR. Charge-sheet has already been filed.



3. It is submitted that now both the parties have entered into a settlement dated 3rd September, 2024 before the Delhi Mediation Centre, Dwarka Courts, New Delhi, whereby, they have settled all their disputes and claims for a sum of Rs.15,00,000/- as per the terms and conditions mentioned therein. The said settlement is annexed as Annexure P-2 to the present petition.

4. Therefore, in view of the foregoing submissions, it is prayed by the learned counsel appearing on behalf of the parties that the instant FIR may be quashed on the basis of the compromise between the parties.

5. The petitioners are present before this Court and have been identified by their counsel, namely, Mr. S.S. Dalal, Advocate (Enrl. No. D/424/98/R). On query, they have produced their entry pass for this Court and their particulars are verified. The respondent no. 2 is also present in the Court and has been identified by her counsel, namely, Ms. Shivani Ghosh, Advocate (Enrl. No.D/3108/19). The respondent No.2 has produced her entry pass for this Court and her particulars are verified.

6. On the query made by this Court, respondent no.2 has categorically stated that she settled the matter on her own free will and without any pressure. She further submits that she does not want to continue the criminal proceedings against the petitioners.

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

8. Heard learned counsel for the parties and perused the material placed on record.

9. 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. In such cases, it is 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 her own free will and has not been imposed upon her by the petitioner or any person related to him. In the present case, the complainant is present in Court and has categorically stated that she has entered into compromise and settled the entire disputes amicably with the petitioners by her own free will 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 her after the compromise.

10. In view of the settlement arrived at between the parties, law laid down by the Hon'ble Supreme Court, the present petition is allowed. Accordingly, FIR bearing No. 564/2022, registered at Police Station – Baba Haridas Nagar, Delhi, for the offences punishable under Sections 323/354/451/509/34 of the IPC and all consequential proceedings emanating therefrom are quashed.

11. The petition alongwith pending applications, if any, stand disposed of.

CHANDRA DHARI SINGH, J

NOVEMBER 26, 2024

Rt/st

Click here to check corrigendum, if any