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

+ **CRL.M.C. 9299/2024 & CRL.M.A. 35668/2024**

JOGINDER SINGH @ ROCKY

.....Petitioner

Through: Mr. Avinash Kumar and Mr. H. L. Rai, Advocates.

versus

STAT OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Satish Kumar, APP for the State along with SI Manoj Kumar.
Mr. Keshav Anand, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

28.11.2024

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1. The instant petition under Section 482 Code of Criminal Procedure, 1973 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") has been filed on behalf of the petitioner praying for quashing of FIR bearing No. 663/2016 registered at Police Station - Nihal Vihar, Delhi for offences punishable under Sections 452/323/34 of the Indian Penal Code, 1860 (hereinafter "IPC") read with Section 333/115(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter "BNS").
2. The petitioner is present before this Court (through Video Conferencing) and has been identified by his counsel Mr. Avinash Kumar and Investigating Officer SI Manoj Kumar, Police Station Mayur Vihar, Delhi. The respondent No.2/complainant is also present in the Court and has



been identified by her counsel i.e., Mr. Keshav Anand, Advocate and the Investigating Officer.

3. On the query made by this Court, respondent no.2/complainant has categorically stated that she has entered into compromise on her own free will and without any pressure. It is also stated by respondent No.2 that the entire dispute has been amicably settled between the parties.

4. The brief facts of the case are that on 3rd August, 2016, at about 5:30 AM, a fight broke out between the petitioner and the respondent no. 2 due to abusive language and jokes cracked on the respondent no. 2. Despite reconciliation efforts from the police officials, the respondent no. 2 registered the aforesaid FIR against the petitioner.

5. With the intervention of family members and relatives, both the parties entered into *vide* Deed of Settlement/Memorandum of Understanding dated 4th January, 2024 and all the money has been received by the respondent no. 2 in terms of the Settlement. The terms and conditions of the said settlement are mentioned in the settlement deed which is annexed as Annexure-G to the petition.

6. 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 as per the Judgment of the Hon'ble Supreme Court passed in ***Gian Singh vs. State of Punjab*, (2012) 10 SCC 303**. At this juncture, the petitioner appearing in-person also undertakes to not repeat the same conduct in the future.

7. *Per contra*, Mr. Yudhvair Singh Chauhan, learned APP for the State submitted that in case this Court is inclined to allow the instant petition and to quash the FIR in question in view of the settlement arrived at between the parties, cost may be imposed upon the petitioner as the FIR was registered



in the year 2015 and a period of more than 8 years of judicial time is wasted.

8. Heard learned counsel for the parties and perused the record.

9. Keeping in view the fact that parties have settled the matter as well as undertaking given by the petitioner, no useful purpose would be served by keeping the matter pending. Hence, FIR bearing No. 663/2016 registered at Police Station Nihal Vihar, Delhi for offences punishable under Sections 452/323/34 of the IPC read with Section 333/115(2)/3(5) of the BNS and consequent proceedings emanating therefrom are quashed.

10. Accordingly, the instant petition along with pending application(s), if any, stands disposed of.

CHANDRA DHARI SINGH, J

NOVEMBER 28, 2024

Rk/mk

[Click here to check corrigendum, if any](#)