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

+ **CRL.M.C. 9999/2024**

JITENDER MALIK & ANR.

.....Petitioner

Through: Mr. Mohsin Sarwar, Advocate with
petitioners in person.

versus

STATE GOVT OF NCT OF DELHI AND ANR.Respondent

Through: Ms. Kiran Bairwa, APP for State
along with SI Kishor Prasad, PS
Vasant Kunj North
Mr.Shakeel Abbas, Adv. for R-2
Respondent no.2 in person.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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19.12.2024

CRL.M.A. 38333/2024 (Exemption)

Exemption is allowed, subject to all just exceptions.

Application stands disposed of.

CRL.M.C. 9999/2024

1. Present petition has been filed seeking quashing of FIR No. 571/2018 dated 08.11.2018 registered under Sections 452/427/506/34 IPC, P.S. Vasant Kunj North on the basis of settlement arrived at between the parties vide MOU dated 05.11.2024.
2. Briefly stated, the facts of the case as per FIR No. 571 are that on 07.11.2018, at around 9 PM, the complainant reported that Tarun Malik, Jitender Malik, and two others, after being stopped from



bursting crackers near his house, vandalized his property, assaulted his wife, and issued death threats. Based on his complaint, the police registered a case under Sections 452, 427, 506, and 34 of the IPC for investigation.

3. Issue notice. The learned APP has accepted the notice and submitted that the FIR in question dates back to 2018 and that some penalty should be imposed on the petitioners. Respondent No. 2 is also present in person and has accepted the notice.
4. Respondent no.2 states that he has entered into the settlement deed dated 05.11.2024 voluntarily without any fear, force or coercion.
5. The parties have entered into the settlement on the following terms and conditions:

And whereas it is agreed that both the parties shall maintain peace and tranquility and they shall not repeat any such incidents and they shall live with peace and harmony. It is also agreed that both the parties are left with no grievances against each other, whatsoever nature. It is agreed between the parties that the first party shall move for quashing petition for quashing of aforesaid FIR before Hon'ble High Court of Delhi and second party shall co-operate/assist in getting the FIR quashed and second party shall sign his affidavit of no objection, appear and do whatever required in order to get present FIR quashed as well as all the proceedings emanating therefrom before the Hon'ble High Court.

And whereas the matter have been amicably resolved/settled between the parties and the first and second party are living peacefully without any animosity and he does not want to pursue further against the first party in the aforesaid FIR

AND WHEREAS the first party has further agreed to get the FIR quashed and has further agreed that as and when an appropriate petition for quashing of FIR is moved on behalf of the second party before Hon'ble High Court of Delhi or any other competent court of law in this regard, the first party shall appear before the Hon'ble



Court as and when required and will assist in quashing of the FIR as the first party does not want to pursue their case or prosecute the accused as the matter has been amicably settled/resolved between the parties.

6. IO states that the petitioners have clean antecedents. Learned counsel submits that the parties are neighbour to each other and except the present FIR no other litigation is pending between the parties. Learned counsel submits that as the matter has been settled, the FIR may be quashed.
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 Cr.P.C. 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. The Courts have repeatedly held 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. In the case of ***Narinder Singh & Ors. V. State of Punjab &Anr.*** (2014) 6 SCC 466, it was inter-alia held that criminal cases having overwhelmingly and predominantly of civil character should be quashed when the parties have resolved their entire disputes among



themselves. Therefore, in the present case, predominantly, it is a private dispute, and the parties have settled the matter.

10. In view of the settlement reached between the parties, FIR No. 571/2018 dated 08.11.2018, registered under Sections 452, 427, 506, and 34 of the IPC at P.S. Vasant Kunj North, along with all proceedings emanating therefrom, is quashed, subject to the petitioners depositing a cost of ₹35,000 each with the Delhi High Court Employees Welfare Association.
11. The petition stands disposed of.

DINESH KUMAR SHARMA, J

DECEMBER 19, 2024

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