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

+ CRL.M.C. 10128/2024 & CrI.M.As.38862-63/2024

BABU RAM & ORS.

.....Petitioners

Through: Mr. Manoj Kumar Sharma, Advocate
with petitioners in person

versus

STATE GOVT OF NCT OF DELHI & ORS.

.....Respondents

Through: Ms. Richa Dhawan, APP for the State
with SI Navdeep, PS Mandawali
R-2 & 3 in person

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

% **23.12.2024**

1. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS" hereinafter) [earlier under Section 482 of the Code of Criminal Procedure, 1973 ("Cr.P.C" hereinafter)] has been filed on behalf of the petitioners praying for quashing of FIR bearing No. 342/2013 registered at Police Station - Mandawali, Delhi, for offences punishable under Sections 308/323/341/506/34 of the Indian Penal Code, 1860 (hereinafter "IPC").

2. Issue notice.

3. Notice is accepted by learned APP for the State for respondent No.1 as well as by the respondent Nos.2 and 3, who are present in Court.

4. The brief facts of the case are that a dispute broke out between the petitioners and respondent no. 2 and 3, wherein the petitioners herein have allegedly injured the respondent no. 2 and 3 by beating them with *danda*



and *fatti*. Accordingly, the instant FIR was registered against the petitioners.

5. Learned counsel for the petitioners submitted that with the intervention of friends, relatives and respective members of society, the parties entered into settlement *vide* Settlement Deed dated 10th December, 2024. The terms and conditions of the said settlement are mentioned in the Settlement Deed which is annexed as Annexure-D to the petition.

6. Accordingly, it is prayed that the instant FIR be quashed on the basis of the Settlement Deed arrived at between the parties and in accordance with the settled law on this point as posited by the Hon'ble Supreme Court.

7. At this juncture, learned counsel for the parties apprised this Court that the main accused i.e., Mr. Rahul Sharma, expired on 6th May, 2017 and his death certificate dated 28th July, 2017 is annexed as Annexure F to the present petition. The learned APP for the State does not dispute the said fact.

8. *Per contra*, Ms. Richa Dhawan, APP for the State submitted that there is no objection to the prayer made on behalf of the petitioners seeking quashing of the FIR in question and subsequent proceedings emanating therefrom, in view of the settlement arrived at between the parties, however, it is submitted that cost may be imposed upon the petitioners as the FIR was registered in the year 2013 and a period of more than 11 years of judicial time has been wasted.

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

10. In the case of ***Paramjeet Singh v. State (NCT of Delhi)***, 2015 SCC OnLine Del 14296, the Co-ordinate Bench of this Court quashed an FIR registered under Section 308/341/34 of the IPC and proceedings emanating therefrom, thereby holding that even though an offence punishable under



Section 308 of the IPC is non-compoundable and serious in nature, it is the discretion of the Court to exercise its jurisdiction in the interest of justice when a dispute has been settled between the parties and peace has been restored as it is the duty of the Court to prevent continuation of such unnecessary judicial process.

11. All the petitioners are present before this Court and have been identified by the Investigating Officer (“IO” hereinafter) and their counsel Mr. Manoj Kumar Sharma, Advocate and the respondent Nos. 2 & 3, who are present in-person before this Court, have been identified by the Investigating Officer (hereinafter “IO”) SI Navdeep, Police Station Mandawali, Delhi.

12. On the query made by this Court, the respondent nos.2 and 3 have categorically stated that they have entered into compromise vide Settlement Deed dated 10th November, 2024 on their own free will and without any pressure and therefore, do not wish to pursue this matter further. They undertook that they shall abide by all the terms and conditions of the above said Settlement deed arrived at between the parties.

13. Furthermore, the petitioners have undertaken that they shall not repeat such type of conduct which led to the registration of the instant FIR.

14. 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 Compromise Deed 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 the victim on his own free will and has not been imposed upon him by the petitioners or any person related



to them. In the present case, the complainant is present in-person before this Court and has categorically stated that he has entered into compromise and settled the entire dispute amicably with the petitioners by his own free will without any pressure or coercion.

15. In the instant case, as stated above, the parties have reached on the compromise and amicably settled the entire disputes without any pressure.

16. In view of the settlement arrived at between the parties and the law laid down by the Hon'ble Supreme Court, the present petition is allowed and the FIR bearing No. 342/2013 registered at Police Station Mandawali, Delhi, for offences punishable under Sections 308/323/341/506/34 of the IPC and all consequential proceedings emanating therefrom are quashed, subject to the deposition of the cost of Rs. 20,000/- (Rupees Fifteen Thousand Only) in the account of DHCBA Women Advocates Welfare Fund i.e., saving account no. 15530110172858 (IFSC- UCBA0001553), Bank Name- UCO Bank, Branch- Delhi High Court within a period of two weeks.

17. The receipt to the payment of the aforesaid cost shall be furnished before the Registry of this Court as well as the IO within two weeks.

18. The petition alongwith pending application(s), if any, stands disposed of.

CHANDRA DHARI SINGH, J

DECEMBER 23, 2024

RT/MK

Click here to check corrigendum, if any