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

+ CRL.M.C. 4514/2018, CRL.M.A. 31792/2018

RAJENDER & ORS

.....Petitioners

Through: Mr. Vikas Yadav, Mr. Rajat Phogat &  
Mr. Pradeep Yadav, Advocates with  
all the petitioners in person. Advocate

versus

STATE & ORS

.....Respondents

Through: Mr. Satish Kumar, APP for the State  
with SI Bharat Singh, PS: Uttam  
Nagar, for State.  
R-2 is present in person

**CORAM:**

**HON'BLE MR. JUSTICE DINESH KUMAR SHARMA**

**ORDER**

**10.09.2024**

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1. The present petition has been filed seeking quashing of FIR No. 87/2014 registered at PS Uttam Nagar, under Sections 452/323/506/34 IPC alleging therein that on 26.01.2014 at around 10 PM while a Scooter was parked outside the house of the complainant, the petitioner namely Ashok came and hit the scooter by his leg on which the brother of the complainant Shyam Sunder stated that their scooter has been fallen by someone.
2. It has been alleged that in the meantime, Ashok and his son Rajender and some other boys came and started beating the members of the complainant with legs and fists blows alongwith Iron Rods and dandas. After investigation, the chargesheet was filed under Sections



452/323/308/506/34 IPC. The matter is stated to be at the stage of final arguments. However, the parties are entered into a settlement vide MOU dated 29.08.2018 on the following terms and conditions;

- 1. That the both the parties shall do all needful and co-operate with each other in getting above mentioned FIR bearing No. 87/2014 registered at Uttam Nagar, New Delhi, quashed from Hon'ble High Court of Delhi.*
  - 2. That henceforth all the disputes past and present among both the 6/06 UBLIC Parties hereto stands settled for all intents and purposes and thereafter no grievances shall remain among the parties on any account whatsoever with respect to the abovementioned FIR.*
  - 3. That the present compromise deed is entered into between the parties as per their own will, without any threat or pressure, undue influence and with healthy disposing mind.*
  - 4. That both the parties shall bear their respective cost of litigation and other expenses.*
  - 5. The present compromise deed is executed in duplicate, having two original copies and both the parties to the present agreement are retaining their separate original copies,*
3. Both parties are present in court and have been duly identified by the IO. Complainant also states that the settlement is entered voluntarily, without any force, threat, or undue influence.
4. Learned APP has opposed the compounding on the ground that the petitioner Rajender S/o Ashok@Murari has bad character, and he is involved in the four other case including attempt to the murder, commit murder and attempt to commit culpable homicide, Excise Act, assault, etc. Accused Joginder is also involved into two other cases of attempt to commit culpable homicide and assault. Accused Ashok @



Murari S/o of Devi Singh is also bad character of the area and stated to be involved in ten other cases.

5. Learned counsel submits that out of these cases, the petitioners have been acquitted in six cases. It has been submitted that one case bearing FIR No.1057/2015 has been quashed and once case bearing FIR No. 641/2014 is pending trial.
6. Learned APP for the State on instructions of IO states that there is no fresh case registered against the petitioner and mostly the cases are of 2014 and 2015 of at the same time when the present FIR was lodged.
7. The complainant has also stated that they have entered into the settlement voluntarily without fear, force or coercion. It is a matter of the record that both the parties are living in the vicinity. It is also pertinent to mention here that though the compromise was entered into in 2018 but it seems that the matter could not be taken up.
8. It is settled that the inherent powers under section 482 of the Code are required to be exercised to secure the ends of justice or to prevent abuse of the process of any court. Further, the High Court can quash non- compoundable offences after considering the nature of the offence and the amicable settlement between the concerned parties.
9. Guided by the principles laid down by the Hon'ble Supreme Court in its judgments in ***Gian Singh v. State of Punjab***, (2012) 10 SCC 303; ***Parbatbhai Aahir @ Parbatbhai Bhimsinbhai Karmur & Ors. v. State of Gujarat & Ors.*** (2017) 9 SCC 641; and, ***State of Haryana & Ors. v. Bhajan Lal & Ors.*** 1992 (1) SCC 335, this Court deems it appropriate, in the interest of justice, to exercise its inherent powers



under Section 482 of the Cr.P.C. to quash the FIR and all the proceedings emanating therefrom.

10.I have gone through the settlement placed on record.

11.Taking into account the totality of facts and circumstances of the case, this court considers that the parties have entered into an amicable settlement out of their own free will, without any fear, force or coercion and they should be given an opportunity to lead their lives peacefully. No purpose will be served in continuing with the trial.

12.In view of the above, FIR No. 87/2014 registered at PS Uttam Nagar, under Sections 452/323/506/34 IPC and all the other proceedings emanating therefrom are quashed.

13.The present petition along with all the pending applications stands disposed of

**DINESH KUMAR SHARMA, J**

**SEPTEMBER 10, 2024**

*Pallavi/KR*