



\$~81

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

+ **CRL.M.C. 514/2025**

RAHUL@LALLA & ANR.

.....Petitioners

Through: Mr. Jitin Singh, Mr. Devinder
Dhawan and Ms. Vartika Rana,
Advocates for Petitioner no. 1
Mr. S.S Haider and Mr. Ehtasham
Ali, Advocates for Petitioner no. 2

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Naresh Kumar Chahar, APP for
the State
Ms. Sangeeta Gaur, Advocate for R-2

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

06.03.2025

%

CRL.M.A. 2444/2025. (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CRL.M.C. 514/2025

3. By way of this petition, the petitioners seek quashing of FIR bearing No. 118/2024, registered at Police Station Ambedkar Nagar, Delhi, for the offence punishable under Sections 307/34 of the Indian Penal Code, 1860 (hereafter 'IPC').
4. Issue notice. Mr. Naresh Kumar Chahar, the learned APP accepts notice on behalf of the State.



5. The learned counsel appearing for the parties inform this Court that the petitioners are running in judicial custody in the present case. The said fact is confirmed by the Investigating Officer (I.O.) who is present in the Court.

6. Brief facts of the case are that on the complaint of respondent no. 2, the present FIR was registered against the petitioners for the offence punishable under Section 307/34 of IPC. It is stated that heated arguments and scuffle had taken place between both the parties and respondent no. 2 had suffered injuries. However, it is stated that during the pendency of the case, both the parties have arrived at an amicable settlement, voluntarily.

7. On a query made by this Court, respondent no. 2, who has been identified by his counsel as well as the I.O., has categorically stated that he has agreed to compromise out of his own free will and without any pressure, coercion or threat. Further, it is also stated by respondent no. 2 that the entire dispute has been amicably settled/compromised between the parties. He further stated that both the petitioners have paid Rs.25,000/- each, towards his medical expenses and mental agony, and therefore, respondent no. 2 has no objection if the FIR is quashed.

8. The Hon'ble Supreme Court in *Gian Singh v. State of Punjab: (2012) 10 SCC 303*, had observed as under, with respect to quashing of FIRs on the basis of compromise between the parties:

“61. The position that emerges from the above discussion can be summarised thus : the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz. : (i) to secure the ends of justice, or (ii) to prevent abuse of the process of



any court. In what cases power to quash the criminal proceeding or complaint or FIR may be exercised where the offender and the victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc.; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

9. In context of Section 307 of IPC, it shall be apposite to take note of the following observations of the Hon’ble Supreme Court in case of ***Narinder Singh & Ors v. State of Punjab & Anr: 2014 (6) SCC 466:***

28. Having said so, we would hasten to add that though it is a serious offence as the accused person(s) attempted to take the life of another person/victim, at the same time the court cannot be oblivious to hard



realities that many times whenever there is a quarrel between the parties leading to physical commotion and sustaining of injury by either or both the parties, there is a tendency to give it a slant of an offence under Section 307 IPC as well. Therefore, only because FIR/Charge-sheet incorporates the provision of Section 307 IPC would not, by itself, be a ground to reject the petition under section 482 of the Code and refuse to accept the settlement between the parties. We are, therefore, of the opinion that while taking a call as to whether compromise in such cases should be effected or not, the High Court should go by the nature of injury sustained, the portion of the bodies where the injuries were inflicted (namely whether injuries are caused at the vital/delicate parts of the body) and the nature of weapons used etc. On that basis, if it is found that there is a strong possibility of proving the charge under Section 307 IPC, once the evidence to that effect is led and injuries proved, the Court should not accept settlement between the parties. On the other hand, on the basis of prima facie assessment of the aforesaid circumstances, if the High Court forms an opinion that provisions of Section 307 IPC were unnecessary included in the charge sheet, the Court can accept the plea of compounding of the offence based on settlement between the parties.

29. At this juncture, we would like also to add that the timing of settlement would also play a crucial role. If the settlement is arrived at immediately after the alleged commission of offence when the matter is still under investigation, the High Court may be somewhat liberal in accepting the settlement and quashing the proceedings/investigation. Of course, it would be after looking into the attendant circumstances as narrated in the previous para. Likewise, when challan is submitted but the charge has not been framed, the High Court may exercise its discretionary jurisdiction. However, at this stage, as mentioned above, since the report of the I.O. under Section 173, Cr.P.C. is also placed before the Court it would become the bounding duty of the Court to go into the said report and the evidence collected, particularly the medical evidence relating to injury etc. sustained by the victim. This aspect, however, would be examined along with another important consideration, namely, in view of settlement between the parties, whether it would be unfair or contrary to interest of justice to continue with the criminal proceedings and whether possibility of conviction is remote and bleak. If the Court finds the answer to this question in affirmative, then also such a case would be a fit case for the High Court to give its stamp of approval to the compromise arrived at between the parties, inasmuch as in such cases no useful purpose would be served in carrying out the criminal proceedings which in all likelihood would end in acquittal, in any case.

30. We have found that in certain cases, the High Courts have accepted



the compromise between the parties when the matter in appeal was pending before the High Court against the conviction recorded by the trial court. Obviously, such cases are those where the accused persons have been found guilty by the trial court, which means the serious charge of Section 307 IPC has been proved beyond reasonable doubt at the level of the trial court. There would not be any question of accepting compromise and acquitting the accused persons simply because the private parties have buried the hatchet.”

10. In the case at hand, the parties have amicably resolved their differences on their own free will, and without any coercion, and thus, no useful purpose will be fulfilled by continuing the proceedings, rather the same would create further acrimony between them. It would thus be in interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. The case is at initial stages, and thus, there is no legal impediment in quashing the FIR in question.

11. Accordingly, FIR No. 118/2024, registered for the offence punishable under Section 307/34 of IPC at Police Station Ambedkar Nagar, Delhi, and all consequential proceedings emanating therefrom, are quashed.

12. The petitioners be released forthwith, if not required in any other case.

13. Accordingly, the present petition stands disposed of.

14. Copy of this order be forwarded to the Jail Superintendent concerned.

15. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

MARCH 6, 2025/ns

Click here to check corrigendum, if any