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

+ **W.P.(CRL) 329/2025& CRL.M.A. 2802/2025**

KAPIL KUMAR & ORS.

.....Petitioners

Through: Mr. Sumit Khari, Ms. Lalita Bhati, Mr. Ujjwal Chauhan and Mr. Abhinav Kaushal, Advs.

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Sanjay Lao, SC with Mr. Abhinav Kr. Arya and Mr. Aryan Sachdeva, Advs. for the State.
SI Vinod Bhati, PS Mehrauli.
Mr. Sumit Gehlot, Mr. Raghav Chawla and Mr. T.S. Thakran, Advs. for R-2 with R-2-in-person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

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01.04.2025

1. This hearing has been done through hybrid mode.

CRL.M.A. 2803/2025 (exemption)

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

W.P.(CRL) 329/2025

3. The present petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nargarik Suraksha Sanhita (BNSS), 2023 has been filed seeking quashing of FIR No. 0736/2023, under Sections 325/506/34 of the IPC, registered at P.S. Mehrauli (South District), New Delhi.

4. Learned counsel for the petitioners submits that the present FIR was registered on account of dispute of trivial nature between the parties. On



account of the said dispute, FIR was registered against the present petitioners based on the complaint filed by respondent No.2.

5. It is further submitted that the parties have now settled their disputes with the intervention of friends and other well wishers *vide* settlement agreement dated 18.01.2025. The copy of the aforesaid compromise deed dated 18.01.2025 has been placed on record (Annexure P/2). In pursuance of the said settlement agreement, respondent No. 2 has no objection if the present FIR is quashed.

6. The matter was placed before the Joint Registrar who has recorded the statement of the complainant/respondent No. 2 and passed the following order on 26.03.2025: -

“Today, statement of respondent no. 2 has been recorded to ascertain the veracity and the genuineness of the parties entering into settlement.

Respondent no. 2 lodged FIR No. 0736/2023, was registered with PS Mehrauli, Under Section 325/506/34 IPC and the charge sheet has not been filed till date. The case is still at the investigation stage.

Respondent no. 2 is an employee at Chhatpur Farms Welfare Society and on the date of incident when a vehicle was entering the society some minor altercation broke out between Respondent no. 2 and the petitioners. In the said altercation, Respondent no. 2 suffered some injuries.

Respondent no. 2 states that he has voluntarily and without any pressure or coercion from anyone and with the intervention of friends and family members and after obtaining due legal advice settled all his issues and disputes with the petitioners and out of his free will and Respondent no. 2 has entered into compromise/MOU/Settlement dated 18.01.2025 which is on record as Annexure P-2 at page no. 47 to 49 bearing his signatures.

It is also stated by Respondent no. 2 that the settlement has arrived at without any monetary or any other consideration on the account of the fact that the parties are known to each other and the incident occurred due to some misunderstanding and miscommunication which now stands duly sorted out with the intervention of respectable members of the society and the fact that



the petitioners have apologies to Respondent no. 2.

Respondent no. 2 further states that he undertakes not to institute any other civil or criminal proceedings against the petitioners with regards to the incident for which the abovesaid FIR was registered.

Respondent no. 2 has no objections whatsoever if the abovementioned FIR and all proceedings emanating there from against the petitioners are quashed.

Respondent no. 2 has also given his affidavit in this regard which is at page 72 to 74 of the petition bearing his signatures.

Respondent no. 2 has been identified by his counsel.

This pre verified report along with the petition may be placed before the Hon'ble Court on 01st April, 2025 alongwith the statements recorded today.”

7. Petitioners and complainant/respondent No. 2 are present before this Court and have been duly identified by their respective counsel, as well as the Investigating Officer, SI Vinod Bhati, PS Mehrauli.

8. The complainant/respondent No.2 states that the matter has been settled with the petitioners and he has no objection if the FIR is quashed. An affidavit dated 20.01.2025 has been placed on record stating that he had settled the matter with the petitioners out of his own will and with any force, fraud, undue influence or coercion from any person.

9. Learned Standing Counsel for the State submits that the FIR is pending investigation. However, in view of the settlement between the parties, he has no objection if the present FIR is quashed.

10. In *Gian Singh v. State of Punjab*, (2012) 10 SCC 303, the Hon'ble Supreme Court has recognized the need of amicable resolution of disputes by observing as under:-

“61. ... 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 proceedings or continuation of criminal proceedings 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 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.”

11. In view of the aforesaid circumstances, and the fact that the parties have put a quietus to the dispute, no useful purpose will be served in continuing with the present FIR No. 0736/2023, under Sections 325/506/34 of the IPC, registered at P.S. Mehrauli (South District), New Delhi.
12. In the interest of justice, the petition is allowed, and the FIR No. 0736/2023, under Sections 325/506/34 of the IPC, registered at P.S. Mehrauli (South District), New Delhi, is hereby quashed.
13. Petition is allowed and disposed of accordingly.
14. Pending application(s), if any, also stand disposed of.

AMIT SHARMA, J

APRIL 01, 2025/NG

Click here to check corrigendum, if any