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

+ W.P.(CRL) 376/2022

RAKESH AND ORS

....Petitioners

Through: Mr. Kunal Prakash and Mr. Praveen
Aswal, Advocates

versus

STATE OF NCT DELHI AND ANR.

....Respondents

Through: Mr. Sanjeev Bhandari, ASC for State
with Mr. Arjit Sharma and Mr.
Nikunj Bindal, Advocates with SI
Rahul, PS Prasad Nagar
R-2 in person

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER
17.02.2025

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1. The instant petition under Article 226 of the Constitution of India read Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") [earlier Section 482 of the Code of Criminal Procedure, 1973 (hereinafter "Cr.P.C.")] has been filed by the petitioners praying for quashing of FIR bearing No. 49/2017 registered at Police Station - Prasad Nagar, Delhi, for offences punishable under Sections 308/34 of the Indian Penal Code, 1860 (hereinafter "IPC").

2. Learned counsel for the petitioners submitted that on account of certain misunderstanding between the petitioners and the respondent no.2, a complaint was filed against the petitioners by the respondent no.2, which resulted in registration of the instant FIR dated 2nd March, 2017.

3. It is submitted that with the intervention of some common friends and



family, the parties entered into settlement vide Compromise Deed dated 15th February, 2022. The terms and conditions of the said settlement are mentioned in the Compromise Deed which is annexed as Annexure P-2 to the instant petition. Furthermore, the petitioners have undertaken that they shall not repeat such type of conduct which led to the registration of the instant FIR.

4. Accordingly, it is prayed that the instant FIR may be quashed on the basis of the settlement arrived at between the parties and in accordance with the settled position of law as posited by the Hon'ble Supreme Court.

5. *Per contra*, learned 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.

6. Learned counsel appearing on behalf of the parties undertake to abide by all the terms and conditions of the aforesaid Compromise Deed.

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

8. Petitioners are present before this Court and have been identified by the Investigating Officer ("IO" hereinafter) SI Rahul, Police Station - Prasad Nagar, Delhi as well as their counsel Mr. Kunal Prakash and the respondent No. 2, who is present in-person before this Court, has been identified by the IO.

9. On the query made by this Court, the respondent no.2 has categorically stated that he has entered into compromise on his own free will and without any pressure and therefore, does not wish to pursue this matter further. Parties undertook that they shall abide by all the terms and conditions of the aforesaid compromise deed arrived at between the parties.



10. 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.

11. In the case of ***Narinder Singh v. State of Punjab***, (2014) 6 SCC 466, the Hon'ble Supreme Court laid down detailed guidelines for quashing a criminal proceeding under its inherent power conferred in Section 482 of the Cr.P.C. on the basis of a settlement arrived at between the parties. In the said judgment, it was held that such power shall not be exercised in cases arising out of grave offences like murder, rape, dacoity, and offences committed under special statutes such as the Prevention of Corruption Act, 1988. Therefore, it was held that the guiding factors in such cases would be to secure the ends of justice and to prevent the abuse of process of the Court.

12. Applying the aforesaid principle laid down by the Hon'ble Supreme Court, a Coordinate Bench of this Court in ***Paramjeet Singh v. State (NCT of Delhi)***, 2015 SCC OnLine Del 14296, quashed an FIR and proceedings under Section 308/341/34 of the IPC and held that even though an offence punishable under Section 308 of the IPC is not compoundable, being 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.

13. In the present case, the complainant/ respondent no.2 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.

14. 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. 49/2017 dated - 2nd March, 2017 registered at Police Station - Prasad Nagar, Delhi, for offences punishable under Sections 308/34 of the IPC and all consequential proceedings emanating therefrom are quashed.

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

CHANDRA DHARI SINGH, J

FEBRUARY 17, 2025

Rt/anr

[Click here to check corrigendum, if any](#)