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

+ **W.P.(CRL) 896/2024**

NISHANT & ORS.

.....Petitioners

Through: **Ms. Shweta S. Kumar, Advocate**

versus

THE STATE NCT OF DELHI AND ORS.

.....Respondents

Through: **Mr. Sanjay Lao, Standing Counsel for State along with SI Praveen, PS: KNK Marg Ms. Chanchal Gupta, Advocate for R-2 and 3. (Through VC)**

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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04.03.2025

1. This petition has been filed seeking the following relief: -

Quash the FIR bearing no. 403/2023, dated: 10.09.2023, registered U/s 308/34 IPC at police Station- K.N. Katju Marg, Rohini District, Delhi; and subsequent proceedings arising therefrom, in the interest of justice.

2. Petitioner No. 1, 2, 4 and 5 are physically present before the Court. Petitioner No. 3 who is a minor is accompanied with his father Shri Shiv Kumar and is physically present before the Court.

3. The Petitioners and Shri Shiv Kumar have been duly identified by Ms. Shweta S. Kumar, learned counsel for the Petitioners and also by the Investigating Officer (IO).

4. Similarly, Respondent nos. 2 and 3 are also present in Court and are identified by Ms. Chanchal Gupta, learned counsel for Respondent nos. 2



and 3 and also identified by the I.O.

5. Learned counsel for the Petitioners states that Petitioners have no criminal priors and it was an untoward incident and led to the unfortunate occurrence on 10.09.2023 which is the subject matter of FIR No. 403/2023.

6. She states that Petitioners have duly compensated Respondent nos. 2 and 3 for their medical expenses and have also paid them a compensation of Rs. 5 lakhs in cash.

7. The submissions advanced by the learned counsel for the Petitioners are confirmed by learned counsel for Respondent nos. 2 and 3.

8. This Court has interacted with Respondent nos. 2 and 3 in vernacular. Respondent nos. 2 and 3 confirms receipt of the compensation and state that they do not wish to pursue the proceedings emanating from the subject FIR. Respondent nos. 2 and 3 confirm that they have executed the affidavit in support of this petition recording their no objection for quashing of the subject FIR.

9. Learned ASC states that the matter is still pending at the stage of investigation and no charge-sheet has been filed in the subject FIR.

10. Keeping in view the nature of the dispute and the fact that the parties have amicably settled the dispute and considering the chances of conviction of the Petitioners being remote and bleak, this Court is, therefore, of the view that there is no use continuing with proceedings of the present FIR as it would be misuse of the process of the Court and an unnecessary burden on the State exchequer. Further this Court is also of the considered opinion that it is a fit case to exercise discretionary jurisdiction under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023. In this regard it would be apposite to refer to Judgement of Supreme Court in the case of **Parbatbhai**



Aahir v. State of Gujarat¹, wherein the Supreme Court has laid down the parameters to be considered to be considered by the High Court while exercising its inherent powers under erstwhile Section 482 of the Code of Criminal Procedure, 1973. The relevant paragraph of the said Judgement is noted as under:-

“16. The broad principles which emerge from the precedents on the subject, may be summarised in the following propositions:

16.1. Section 482 preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court.

16.2. The invocation of the jurisdiction of the High Court to quash a first information report or a criminal proceeding on the ground that a settlement has been arrived at between the offender and the victim is not the same as the invocation of jurisdiction for the purpose of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of Section 320 of the Code of Criminal Procedure, 1973. The power to quash under Section 482 is attracted even if the offence is non-compoundable.

16.3. In forming an opinion whether a criminal proceeding or complaint should be quashed in exercise of its jurisdiction under Section 482, the High Court must evaluate whether the ends of justice would justify the exercise of the inherent power.

16.4. **While the inherent power of the High Court has a wide ambit and plenitude it has to be exercised (i) to secure the ends of justice, or (ii) to prevent an abuse of the process of any court.**

...

16.9. In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice; and”

¹ (2017) 9 SCC 641



(Emphasis Supplied)

11. In the light of the aforementioned Judgement and in line with the law laid down by the Supreme Court in **Gian Singh vs. State of Punjab & Anr**², as also in **Narinder Singh & Ors. vs. State of Punjab & Anr**³, this Court sees no reason why the subject FIR and all proceedings emanating therefrom should not be quashed. However, keeping in mind the fact that the FIR was registered in 2023 and the State machinery has been put to motion, ends of justice would be served if the petitioners are put to cost. The Petitioners are directed to make payment of a total cost of Rs.15,000/- to the Delhi High Court Legal Services Committee (DHCLSC). In view of the above, subject to payment of costs, the FIR No. 403/2023 dated 10.09.2023 registered at P.S. K.N. Katju Marg, Rohini District, Delhi for offences under Sections 308/34 of the Indian Penal Code, 1860 and proceedings emanating therefrom are quashed.

12. Parties shall abide by the terms of settlement.

13. Accordingly, the petition is disposed of in the aforesaid terms, subject to payment of costs of Rs. 15,000/- to DHCLSC. Affidavit of compliance shall be filed within three weeks from today.

14. Pending application is disposed of as infructuous.

15. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

² (2012) 10 SCC 303

³ (2014) 6 SCC 466



MARCH 4, 2025/mt/AKT

MANMEET PRITAM SINGH ARORA, J

Click here to check corrigendum, if any