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

+ CRL.M.C. 2410/2025 and CRL.M.A. 10799/2025

MOHD. ASHRAF

.....Petitioner

Through: Mr.Rahul Maurya, Mr. Madhur
Maheshwari, Ms. Khushboo
Chaudhary, Advocates.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr.Sanjeev Sabharwal, APP for State
with SI Ankit Kumar, PS Mandawali.
Complainant in person.
Mr. AA Siddiqui, Advocate for R-2.
R-2 present in person.

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

25.07.2025

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1. Petitioner herein seeks quashing of FIR No.0687/2022, dated 05.11.2022, registered at P.S. Mandawli Fazalpur, under Sections 308 and 34 of IPC and all the criminal proceedings emanating therefrom.
2. Per FIR, the complainant (respondent no.2) was attacked on 04.11.2022 by three boys with a baseball bat. He received bodily injuries. The complainant suspected that the above said attack was carried out by or at the instance of Mohd. Ashraf (Petitioner/Accused), since previously the complainant had commercial transactions with him. Arising therefrom, the petitioner owed some money to the petitioner/accused.
3. Learned Counsels for the petitioner submit that the Petitioner and Respondent No. 2 were well known to each other and had commercial dealings. The allegations leveled by Respondent No. 2 were merely conjectures based on previous differences. It is further submitted that,



during the pendency of the proceedings, the Petitioner and Respondent No. 2 have entered into a MOU/Settlement Deed dated 03.04.2025 and thus, seeks quashing of the FIR in question.

4. I have interacted with Respondent no.2 (complainant) who is present in person, and it so appears that he has settled their differences without any duress and coercion and out of his free will. He states that he had disclosed the name of the petitioner merely on a suspicion and is now regretful of the same.
5. On a Court query, learned Public Prosecutor concurs with the factum of compromise arrived at between the parties.
6. In the aforesaid backdrop, I have heard the learned counsel for the Petitioner, APP for the State and Respondent no.2 and have also perused the case file.
7. Given the nature of injuries coupled with the fact that the complainant's victim remained hospitalized. It appears that he suffered serious injuries and was fortunate to have survived without those turning fatal. However, having seen the contents of the FIR and in view of the statement of the respondent as above, it appears that Respondent no.2 was merely suspected by the Petitioner. There is nothing else otherwise to show that the petitioner was the assailant or the assailants were sent on his behest.
8. Subsequently, it transpires that Respondent no.2 regretted having suspected the Petitioner. He does not now wish to prosecute any charges against the petitioner coupled with the desire to preserve their cordial relations and future bonhomie with each other. They have otherwise also mutually settled their commercial transactions.



9. Since the complainant does not wish to press charges against the petitioner and there is no incriminating material against him, the chances of conviction are almost negligible. Further criminal proceedings before the court and continuation of the trial would be an abuse of the process of law, especially where the parties have amicably settled their dispute which does not involve any public interest or interest of the society at large. It will be an exercise in futility and wasteful expense of public exchequer.
10. In such circumstances, continuation of proceedings may rather result in hostility between the parties and defeat the very purpose of such settlement.
11. Thus, in the premise, in the larger interest of justice, invoking inherent powers vested with this Court under Section 528 of the BNSS it is deemed expedient to quash the FIR no. 0687/2022. Reference in this context may also be had to judgment rendered in the case of ***Gian Singh v. State of Punjab & Anr. [(2012) 10 SCC 303]***.
12. The instant petition is thus allowed. The criminal proceedings arising out of FIR No. 0687/2022, dated 05.11.2022, for the alleged offences committed under Sections 308 and 34 of IPC, registered at P.S. Mandawli Fazalpur, against the petitioner and further proceedings arising therefrom are hereby quashed.
13. All pending application(s), if any, shall also stand disposed of.

ARUN MONGA, J

JULY 25, 2025/ps