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

+ **W.P.(CRL) 1291/2024**

PARVEZ ALAM AND ANR

.....Petitioner

Through: Mr. Hari Shanker with Mr. Shoaib,
Advts.

versus

STATE AND ANR

.....Respondent

Through: Mr. Rahul Tyagi, ASC for State

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

20.02.2025

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1. The present petition has been filed under Article 226 of the Constitution of India read with Section 482 of the Criminal Procedure Code, 1973 (Cr.P.C.) seeking the following prayer:

“It is, therefore most respectfully prayed that this Hon'ble Court may be pleased to quash the FIR. No. 0250/2022 U/S 308/506/34 IPC P/S Mansarovar Park under article 226 of the constitution of India read with section 482 Cr.P.C. and any other proceeding pending before the court of law in respect to the abovementioned FIR against the petitioners, in the interest of justice.”

Brief Facts

2. The present FIR is an outcome of dispute between Petitioners and Respondent No. 2/complainant It is stated in the said FIR that the Respondent No.2/ complainant and the Petitioner No. 1/accused have known each other since their childhood. The Respondent No.2 had lent Rs. 50,000/-



to the Petitioner No.1, with an assurance that the amount would be returned after Eid. It is further stated that on 9.05.2022 at around 8:45 PM, the Respondent No.2, accompanied by his friend Aamir, went to the Petitioner No.1's house to recover the said money. While engaging in a conversation, the Petitioner No.1 and co-accused Mohsin/Petitioner No. 2 led Respondent No.2 across the railway line, where they verbally abused and threatened to kill him. During the altercation, Aamir left to call the Respondent No.2's father.

2.1 It is further stated that at approximately 9:20 PM on 9.05.2022, while the Petitioner No. 1 held the Respondent No.2, co-accused Mohsin started assaulting him with an unknown object, causing injuries.

2.2 It is stated that Petitioner No. 1 has previous three (3) FIRs registered against him, although he has been acquitted in two (2) and sentenced to fine in another case.

3. It is further stated that parties have settled their dispute amicably which is recorded in the Settlement Deed dated 06.03.2024 and pursuant thereto the parties agreed to quashing of the captioned FIR.

Submissions of Petitioners and the State

4. Petitioner Nos. 1 and 2 are present in Court and have been identified by the counsel for the Petitioners and Investigating Officer ('IO').

5. Respondent No. 2 is also present in Court and identified by the counsel and IO.

6. Learned counsel for the Petitioners states that Petitioners and Respondent No.2 live in the same neighbourhood and there was an altercation between the parties however, the Respondent No. 2 suffered a simple injury. He states that the parties have settled their claims against each



other and have amicably resolved their disputes and agreed to a settlement. He states that there is no monetary consideration involved.

6.1 He states that Petitioner No. 2 is aged about 25 years and has no priors. He states that Petitioner No. 1 as well is gainfully employed.

7. Learned ASC states that chargesheet has been filed in the subject FIR and charges have been framed and prosecution evidence is continuing. He states considering that Petitioner no. 1 had other FIRs filed against him though he has been acquitted in two (2) and has been sentenced to fine in one (1) hence this may not be a fit case for quashing. He states complainant was beaten with a sharp object by Petitioner no. 1. He states that the prosecution opposes the quashing of the captioned FIR, citing the severity of the allegations and the nature of the offence.

Analysis and conclusion

8. This Court has considered the submission of the parties and perused the record.

9. This Court has interacted with Respondent No. 2 who states that there was an altercation over borrowed money to be recovered by him from the Petitioner. He states since he lives in the neighbourhood with the Petitioners, and the matter has been amicably resolved and he would not like to prosecute this matter any further. He confirms having executed the settlement deed and having filed an affidavit recording his no objection in support of this petition. He states that the parties are all neighbors and the dispute between the parties has been amicably resolved. It is stated that with the above said settlement no dispute remains for adjudication between the parties. He confirms that he had suffered a simple injury and his money has been returned back by the Petitioners.



10. The parties who are present before this Court today have expressed remorse and regret for their respective conduct and the incident which led to the filing of FIR and have submitted that the said incident happened in the heat of the moment. Both the parties being neighbours have agreed to maintain cordial relations with each other in future.

11. It would be apposite to refer to the judgments of a Co-ordinate Bench of this Court in **Mehmuddin @Maimuddin Mansoori & Ors. vs. State of NCT of Delhi**¹ and **Johari Singh & Ors. vs. State of NCT of Delhi**² in similar circumstances while exercising the power under section 482 of CrPC, has quashed the FIR for offences under Sections 308/506/34 of the IPC as the parties have entered into an amicable settlement.

12. 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 ('BNS').

13. However, keeping in mind the fact that the FIR was registered in 2022 and the State machinery has been put to motion, ends of justice would be served if the petitioners are put to cost. The Petitioner no. 1 and Petitioner no. 2 are directed to deposit cost of Rs. 25,000/- and Rs. 15,000/- respectively to DHCLSC through the Secretary. In this regard, an affidavit

¹ CRL.M.C. 6192/2024 dated 27.08.2024

² CRL.M.C 1865/2024 dated 05.03.2024



of compliance shall be filed within three weeks from today.

14. In view of the above and subject to deposit of the cost, the FIR. No. 0250/2022 dated 11.05.2022 lodged at P.S. Mansarovar Park for offences under Sections U/S 308/506/34 of the Indian Penal Code, 1860 and proceedings emanating therefrom are quashed.

15. The parties will submit the proof of deposit of cost to the I.O. and also to the registry of this Court within three (3) weeks.

16. Parties shall abide by the terms of settlement.

17. Accordingly, the petition is disposed of in the aforesaid terms.

18. Pending application is disposed of as infructuous.

19. 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.

MANMEET PRITAM SINGH ARORA, J

FEBRUARY 20, 2025/hp/akp/ms

Click here to check corrigendum, if any