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

+ **W.P.(CRL) 1524/2025**

KASHISH ARORA AND ORS.

.....Petitioners

Through: Mr. Ramesh Gupta, Senior Advocate
with Mr. Shailendra Singh, Advocate.

Versus

STATE OF NCT OF DELHI AND ORS & ORS. & ORS.

.....Respondents

Through: Mr. Yasir Rauf Ansari, ASC with SI
Gurish, PS-Karol Bagh.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

07.05.2025

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1. The present Petition under Article 226 of the Constitution of India read with Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed for quashing of FIR No.915/2024 registered under Section 109(1)/3(5) of Bharatiya Nyaya Sanhita, 2023 at PS Karol Bagh on account of compromise deed dated 24.04.2025 between the parties. It is submitted that as per the FIR, at around 5-5.15 PM on 14.10.2024, some altercation took place between the petitioners and Respondent No.2 and 3 regarding holding of *patri* shop at Ajmal Khan Road, near Karol Bagh Metro Station.

2. Petitioner No.1, Kashish Arora is the president of the market. In this altercation, injuries were sustained by Respondent No.2 and 3. Respondent No.3 received incised wound over lateral aspect, which was opined to be caused by a blunt object, whereas Respondent No.2 received lacerated



wound over left thigh. The statement of Shish Pal/injured was recorded. Petitioners were arrested and eventually released on bail. It is asserted the investigation in the FIR is almost complete.

3. The parties are stated to be carrying on business in the same vicinity and are neighbours and are maintaining goods relations and after the incident there is peace and harmony amongst the parties.

4. On 15.03.2025, Respondent No.2 and 3 informed the SHO about having entered into a compromise and not intending to pursue the matter further. It is further submitted that Respondent No.2 and 3 had received injuries on non-vital part of the body and now they have fully recovered. It is submitted that if the allegations are taken as per the FIR, it makes out only a case under section 118(1) BNS (erstwhile 324 IPC) is made out and ingredients of offence of 109 BNS (erstwhile 307 IPC) are lacking. The matter has been settled between the parties with the intervention of common friends and other respectable persons of the society. Parties having into a Settlement Deed dated 24.04.2025. Respondent No.2 and 3 have also been compensated by giving Rs.1.5 lakh to each of them.

5. The petitioners have clean antecedents and involved in any other criminal case and are peace loving persons and have family and are elderly person. It is next submitted that no useful purpose would be served by continuing the prosecution pursuant to the FIR which in view of the *inter se* settlement there are no chances of conviction as the complainant is not likely to support the case of the prosecution.

6. Reliance has been placed on *B.S. Joshi and Ors. Vs. State of Haryana & Anr.* (2003) 4 SCC 675, wherein the FIR was quashed in the circumstances of the case as was noted that Section 323 Cr.P.C. was not a



bar for exercising the power of quashing. Reliance has also been placed on *Narinder Singh Vs. State of Punjab*, (2014) 6 SCC 466; *Pratapbhai Ahir Vs. State of Gujarat*, (2017) 9 SCC 641. The Apex Court has held in various judgments that non-compoundable offences can be compounded if the Court is satisfied, the parties have amicably settled without any fear, pressure or coercion, to keep peace and harmony in the society. It is therefore submitted that FIR No.915/2024, PS-Karol Bagh be quashed.

7. Learned senior counsel for the petitioners further submits that all the petitioners have already suffered incarceration from 20 to 40 days. They are repentant of the act and thus, the FIR be quashed.

8. Learned counsel for Respondent seeks time to file a reply, however, the IO alongwith file is present. Learned counsel on behalf of the State has contested the quashing of the FIR on the ground that the investigations are still pending and Petition is filed at a pre-mature stage. Reliance is placed on State of *Madhya Pradesh Vs. Laxmi Narayan and Ors.* (2019) 5 SCC 688, wherein the Apex Court has observed that offences under Section 307 IPC and Arms Act etc. fall in the category of heinous and serious offences and, therefore, must be treated as crime against society and not against an individual alone and, therefore, the quashing of proceedings under Section 307 and Arms Act must not be entertained in exercise of powers under Section 482 Cr.P.C. merely on ground of amicable resolution of disputes *inter se* the parties. Further, such exercise of power by the High Court would be permissible only after the evidence is collected and charges are framed during trial. Moreover, the factors in regard to nature of injuries sustained, whether inflicted on vital or delicate part of the body, nature of weapon etc. must be considered after the filing of the charge-sheet. It is therefore



contended that noting the gravity of the offence, the present FIR should not be quashed.

9. Submissions heard and record perused.

10. Petitioners and Respondent No.2 and 3 are fellow shopkeepers who have been holding local *patri* shops at Ajmal Khan Road, near Karol Bagh Metro Station. The *inter se* dispute arose between the parties which got aggravated into a group fight whereby petitioner No.5 inflicted injury on Respondent No.2 with a *lathi*, while respondent No.3 got stabbed on his thigh. All the parties are neighbours in their profession and holding their *patri* shops and since the date of incident, there has been repentance and with the intervention of neighbours and respected members of society, the parties have settled their dispute vide Settlement Deed dated 14.04.2025 and since then, they have been residing amicably in peace and harmony. For the injuries suffered by the two injured, they have been compensated by payment of Rs.1.5 lakhs each. All the parties are present in the Court and endorsed that they have arrived the settlement voluntarily without any pressure, fear, force or coercion.

11. The technical objection taken on behalf of the State is that investigations are still pending and the charge-sheet is yet to be filed, however, it cannot be overlooked that statement of all the witnesses have been recorded, MLC is collected and essentially stands concluded. To say that pending the investigations in the FIR, no quashing can be done cannot be stated to be an absolute law. It depends upon the facts and circumstances to consider whether further investigation to establish the accountability is required. In the present case, even though formal charge-sheet has not been filed but the entire gamut of the allegations and the investigations clearly



reflect that it was a fight which took place at the spur of the moment amongst the fellow shopkeepers holing *patri* shop near Karol Bagh Metro Station and, therefore, to say that the FIR should not be quashed, is not tenable.

12. Looking at the *inter se* relationship between the parties and that the matter stands amicably settled *vide* Settlement Deed dated 24.04.2025, it is not in the interest of justice or in the interest of justice if the FIR is continued to remain pending. In the totality of circumstances, the FIR and all the proceedings emanating therefrom are hereby quashed.

NEENA BANSAL KRISHNA, J

MAY 7, 2025
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