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

+ **W.P.(CRL) 2905/2024**

JOGINDER & ANR.

.....Petitioner

Through: Mr. Upendra Yadav, Mr. Shivrash
Bhatia, Mr. Sahil Advocates

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Sanjay Lao, Standing Counsel for
State
SI Snehlata, PS Kanjhawala
Mr. Atul Rewan and Mr. Lalit Kumar,
Adv. for R-2

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

14.02.2025

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W.P.(CRL) 2905/2024

1. The captioned petition has been filed seeking following reliefs:

“In view of the above-mentioned submissions, circumstances and facts, it is, therefore, respectfully prayed that this Hon’ble Court may kindly be pleased to pass an order to quash the case/FIR No. 77/2020 U/S- 354/506/509/451/34 IPC, P.S- Kanjhawala, Delhi, in the interest of justice and for the sake of brevity.”

2. This order is being passed in continuation of the order dated 14.01.2025. The relevant portion of order dated 14.01.2025 in the captioned petition is read as under:

“1. The present petition under Article 226 of the Constitution of India



read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed by the Petitioners seeking quashing and cancelling of the FIR No. 77/2020 dated 27.02.2020 registered by Respondent No. 2 with Police Station Kanjhawala for offences under Sections 354/506/509/451/34 of the Indian Penal Code, 1860 on basis of the Settlement Agreement dated 12.08.2024, which is on record.

2. Petitioner Nos. 1 and 2 are present in Court and have been identified by Mr. Upendra Yadav, learned counsel appearing for Petitioner Nos. 1 and 2 and the Investigating Officer ('I.O.').

3. Respondent No. 2, the complainant is also present in Court and has been identified by the I.O. and Mr. Atul Dewan, learned counsel appearing for Respondent No. 2.

4. The affidavits of Petitioner Nos. 1 and 2 as well as Respondent No. 2 are filed along with the petition.

5. Learned counsel for the Petitioners states that parties have arrived at a settlement on 12.08.2024.

6. He states that in fact a cross-FIR No. 80/2020 was filed by Petitioner No. 2 herein and the said FIR is the subject matter of the W.P.(CRL) 2917/2024; and the said writ petition is also listed today.

7. He states that since the parties are neighbors, they have amicably resolved their disputes and, therefore, pray that the cross-FIR(s) filed by them be quashed by this Court.

8. Petitioner Nos. 1 and 2, as well as Respondent no. 2, who are present in Court, confirms the execution of the Settlement Agreement dated 12.08.2024 and pray for quashing of the FIR No. 77/2020 dated 27.02.2020 registered with P.S. Kanjhawala, Delhi for offences under Sections 354/506/509/451/34 of the Indian Penal Code, 1860.

9. The statement of the parties is taken on record and they are bound down by the same.

10. However, since there are some procedural defects in W.P.(CRL) 2917/2024 for quashing of FIR No. 80/2020, the final orders in this petition are deferred and orders in both the petitions will be passed on the next date of hearing,

11. However, Petitioner Nos. 1 and 2 as well as Respondent No. 2 are exempted from further personal appearance in these proceedings.

12. List on 14.02.2025.”

(Emphasis supplied)

3. Learned counsel for the Petitioner states that the procedural defects in W.P.(CRL) 2917/2024 have been rectified and an amended memo of parties



has been filed W.P.(CRL) 2917/2024 on 02.02.2025.

4. Learned ASC states that investigation is pending, however no charge-sheet has been filed in the subject FIR.

5. This Court has considered the submissions of the parties and perused the record.

6. The subject FIR was registered on basis of the complaint filed by Respondent No. 2. It is the case of the Petitioners that the parties have settled their disputes in terms of the Settlement Agreement dated 12.08.2024, which has been filed as Annexure P-2 to this petition. The parties are stated to be neighbours and the cross-FIRs have been filed by both groups. The FIR filed by member of the Petitioner's family is subject matter of quashing in W.P.(CRL) 2917/2024.

7. The Supreme Court in **Parbatbhai Aahir v. State of Gujarat**¹, has laid down the parameters to be considered by the Court while exercising the inherent powers under Section 482 of the Code of Criminal Procedure, 1973. The relevant paragraph of the said judgment 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

¹ (2017) 9 SCC 641



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.

16.5. The decision as to whether a complaint or first information report should be quashed on the ground that the offender and victim have settled the dispute, revolves ultimately on the facts and circumstances of each case and no exhaustive elaboration of principles can be formulated.

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.”

(Emphasis Supplied)

8. 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 528² of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS).

9. However, keeping in mind the fact that the State machinery has been put to motion, ends of justice would be served if the Petitioners are put to cost. Consequentially, this petition is allowed, subject to costs of ₹15,000/-

² Section 482 of the Code of Criminal Procedure, 1973 is now Section 528 of the Bharatiya Nagarik



to be deposited by the Petitioners with the Delhi High Court Legal Services Committee within a week from today.

10. In view of the above, the FIR No. 77/2020 dated 27.02.2020 for offences under Sections 354/506/509/451/34 of the Indian Penal Code, 1860 registered at P.S. Kanjhawala and proceedings emanating therefrom are quashed.

11. Parties are bound down and shall abide by the terms of Settlement Agreement dated 12.08.2024.

12. Accordingly, the present petition is allowed. Pending application is disposed of as infructuous.

13. 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 14, 2025/hp/MG

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