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

+ **W.P.(CRL) 4066/2024**

AKSHAY KUMAR @ AKSHAY PRADHAN & ORS.

.....Petitioners

Through: Mr. Shashank Singh, Advocate along
with Petitioners in person

versus

STATE (GOVT. OF NCT OF DELHI) & ORS.Respondents

Through: Mr. Yasir Rauf Ansari, ASC for State
with Mr. Alok Sharma, Mr. Amit
Sahni and Mr. Vasu Agarwal,
Advocates along with SI Ramawati,
PS: Mauris Nagar
Mr. Mohd. Shahid, Mr. Yash Shukla
and Mr. Gaurav Ahlawat, Advs. along
with R-2 to R-4

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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03.03.2025

1. This petition has been filed under Article 226 of the Constitution of India read with Section 528 off the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') seeking quashing of the FIR No. 0166/2024 dated 17.09.2024 registered at Police Station (P.S.) Maurice Nagar, Delhi for offences under Section 115(2)/126(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 ('BNS') on basis of the Memorandum of Understanding dated 19.11.2024.



2. Learned counsel for the Petitioner states that the subject FIR was registered due to a fight which occurred between the Petitioners and Respondent Nos. 2, 3 and 4. He states that parties have amicably settled their disputes with intervention of the friends and have executed a Memorandum of Understanding ('MoU') dated 19.11.2024.
3. He states that Petitioners have undertaken to pay a sum of Rs. 20,000/- each to Respondent Nos. 2, 3 and 4 towards their medical expenses.
4. He states that FIR no. 542/2024 dated 10.09.2024 registered with P.S. Model Town for offences under Section 115/126(2)/3(5) of BNS has been registered at the instance of Petitioner No. 1 herein against Respondent No. 2, i.e., complainant herein. He states that parties have also agreed to the compounding of the offences under the said FIR and this is a holistic settlement between the parties.
5. Learned ASC has filed a status report dated 28.02.2025 stating that the nature of the injury suffered by the complainant/Respondent Nos. 2 and 4 was grievous in nature and as a result Section 117(2) of BNS has been added to the FIR in the present case. He however states that as per the available record there are no other criminal antecedents of the Petitioners herein except Petitioner No. 3. He states that Petitioner No. 3 was booked under Section 188 of the Indian Penal Code, 1860 during Covid -19 period.
6. Learned counsel for Petitioner no. 3 states that the other FIR was registered for participating in protests during Covid -19 period.
7. This Court has considered the submission of the parties.
8. The Petitioner nos. 1 to 3 and Respondent nos. 2 to 4 are present in Court and have been duly identified by their respective counsels and the I.O.
9. In the present case, on 17.09.2024, it is stated that due to some



misunderstandings, a verbal exchange ensued between the Petitioners and the private Respondents during University elections which further resulted into fight between the said parties. Subsequently on basis of the complaint filed by Respondent No. 2 herein the subject FIR was registered. It is stated that however, on 19.11.2024 with the intervention of the families and friends, the parties have amicably settled their disputes and executed MoU dated 19.11.2024, which records the terms and conditions of the settlement arose between the parties.

10. This Court has interacted with Respondent nos. 2 to 4 on the previous date of hearing and today; they confirm that they have consented to this quashing in view of the amicable settlement.

11. 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 now Section 528 of the BNSS. The relevant paragraph of the said judgments 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.

16.5. 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)

12. At this juncture, it would be apposite to refer the judgement of Supreme Court in the case of **J. Ramesh Kamath v. Mohana Kurup**², wherein Supreme Court opined that power vested with this court under section 482 CrPC is not limited to quashing within ambit and scope of Section 320 CrPC and same can be extended to quashing of proceedings based on settlement until the crime is not against the society. The relevant extract of the said judgment reads as under:

“ A perusal of the above determination leaves no room for any doubt that this Court crystallised the position in respect of the powers vested in the **High Court under Section 482 of the Criminal Procedure Code, to quash criminal proceedings. It has now been decisively held that the power vested in the High Court under Section 482 of the Criminal Procedure Code is not limited to quashing proceedings within the ambit and scope of Section 320 of the Criminal Procedure Code. The**

¹ (2017) 9 SCC 641

² (2016) 12 SCC 179



three-Judge Division Bench [Gian Singh v. State of Punjab, (2012) 10 SCC 303 : (2012) 4 SCC (Civ) 1188 : (2013) 1 SCC (Cri) 160 : (2012) 2 SCC (L&S) 988] **in the above case clearly expounded that quashing of criminal proceedings under Section 482 of the Criminal Procedure Code could also be based on settlements between private parties and could also on a compromise between the offender and the victim.** Only that, the above power did not extend to crimes against the society. It is also relevant to mention that the jurisdiction vested in the High Court under Section 482 of the Criminal Procedure Code for quashing criminal proceedings was held to be exercisable in criminal cases having an overwhelming and predominatingly civil flavour, particularly offences arising from commercial, financial, mercantile, civil, partnership, or such like transactions. Or even offences arising out of matrimony relating to dowry, etc. Or family disputes where the wrong is basically private or personal. In all such cases, the parties should have resolved their entire dispute by themselves, mutually.”

(Emphasis Supplied)

13. In view of the judgment of the Apex Court in **Parbatbhai Aahir v. State of Gujarat** (supra) as well as **J. Ramesh Kamath** (supra) and considering the above settlement between the parties and the chances of conviction of the Petitioner(s) being remote and bleak, there is no use continuing with proceedings of the present FIR, as it would be a misuse of the process of the Court and an unnecessary burden on the State exchequer.

14. Further, keeping in view the fact that Petitioners are students and they have apologized for their conduct and mended their relationship with each other; this petition is allowed, subject to payment of costs of Rs. 25,000/- by each Petitioner to Delhi High Court Legal Services Committee (DHCLSC) within eight (8) weeks.

15. Upon placing on record the proof of deposit of costs thereafter and handing over its copy to the Investigating Officer, FIR No. 0166/2024 dated 17.09.2024 registered at Police Station (P.S.) Maurice Nagar, Delhi for



offences under Section 117(2)/115(2)/126(2)/3(5) of the BNS and all proceedings emanating therefrom shall stand quashed.

16. Parties shall abide by the terms of settlement.

17. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.

18. 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

MARCH 03, 2025/hp/MG

Click here to check corrigendum, if any