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

+ **CRL.M.C. 17/2025**

SHAHROUKH & ORS.

.....Petitioners

Through: Ms. Pavitra Veer Singh, Ms. Shinu
Gupta and Mr. Furkan, Advocates.

versus

THE STATE NCT OF DELHI AND ORS.

.....Respondents

Through: Mr. Ritesh Bahri, APP.
ASI Naushad Haider, PS: Bhajanpura.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

07.01.2025

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1. The present petition has been filed seeking quashing of FIR No. 0133/2021 dated 20th March, 2021 registered at Police Station New Usmanpur for offences under Sections 308/341/506/34 of the Indian Penal Code, 1860,¹ along with all consequential proceedings emanating therefrom. The request is made in light of settlement agreement dated 12th December, 2024 executed between the Petitioners and the Complainant/ Respondent Nos. 2 and 3. A copy of the aforementioned MoU has been duly placed on record.

2. Chargesheet has been filed in the present case under Sections 308/341/506/34 of the IPC.

3. It is averred that the parties are both neighbours and relatives. On 20th March 2021, the Petitioners purportedly attacked Respondent Nos. 2 and 3

¹ "IPC"



with an iron rod, leading to injuries sustained by Respondent No. 2, who was administered twelve stitches for his medical treatment. Following this incident, Respondent No. 2 filed a complaint against the Petitioners.

4. The present petition has been filed on the ground that the parties have amicably resolved the dispute, with the assistance of well-wishers. Furthermore, the parties have entered into a Settlement Agreement dated 12th December, 2024, out of their own free will, without any form of duress, coercion, threat, or misrepresentation.

5. The parties are present before this Court and have been duly identified by the Investigating Officer. Respondent Nos. 2 and 3 confirm that they have no further grievance against the Petitioners and raise no objection to the quashing of the proceedings arising from the present FIR against the petitioners.

6. It must be noted that while the offence under Section 308 is non-compoundable, it is well settled that this Court, while exercising its powers under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023² [erstwhile Section 482 of the Code of Criminal Procedure, 1973] can compound offences which are non-compoundable on the ground that there is a compromise between the accused and the complainant.

7. In this regard, the Supreme Court has laid down certain parameters and guidelines for the High Courts while accepting settlement and quashing the proceedings. In the case of *Narinder Singh & Ors. v. State of Punjab & Anr.*,³ the Supreme Court made the following observations:

“29. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in

² “BNSS”

³ (2014) 6 SCC 466.



giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:

29.1. *Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution.*

29.2. *When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:*

(i) ends of justice, or

(ii) to prevent abuse of the process of any court.

While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.”

8. Similarly, in the case of ***Parbatbhai Aahir & Ors. v. State of Gujarat & Anr.***,⁴ the Supreme Court observed as under:

“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.*

16.4. *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.*

16.5. *The decision as to whether a complaint or first information report should be quashed on the ground that the offender and victim*

⁴ (2017) 9 SCC 641.



have settled the dispute, revolves ultimately on the facts and circumstances of each case and no exhaustive elaboration of principles can be formulated.”

9. While it is undisputed that the offence under Section 308 of the IPC is not *in personam*, however, in light of the fact that the parties have amicably resolved their dispute, it would serve no purpose to continue with the proceedings stemming from the present FIR, and would only amount to an abuse of the judicial process and impose an unwarranted burden on the State Exchequer. Therefore, the Court is of the opinion that this is a fit case to exercise discretionary jurisdiction under Section 528 of the BNSS.

10. However, keeping in mind the fact that the State machinery has been put to motion, the ends of justice would be served if the petitioners are put to cost.

11. In view of the above, FIR No. 0133/2021 and all consequential proceedings arising therefrom are quashed, subject to payment of a cost of INR 2,500/- by each of the Petitioners, which shall be deposited with the Delhi Police Welfare Fund, within a period of six weeks from today. The proof of payment of cost be submitted with the concerned SHO.

12. In view of the foregoing, the present petition is allowed. Pending application(s), if any, are disposed of as infructuous.

SANJEEV NARULA, J

JANUARY 7, 2025
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