

Nazir @Naziruddin Ansari & Ors vs State Govt. Of Nct Of Delhi And Anr on 14 February, 2025

Author: Sanjeev Narula

Bench: Sanjeev Narula

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IN THE HIGH COURT OF DELHI AT NEW DELHI
CRL.M.C. 1040/2025 & CRL.M.A. 4786/2025
NAZIR @NAZIRUDDIN ANSARI & ORS.

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STATE GOVT. OF NCT OF DELHI AND ANR.

Through: Mr. Hemant Mehla,
with SI Pankaj Ku
Nagar
Mr. Prashant Yada
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CRL.M.C. 1079/2025, CRL.M.A. 4900-4901/2
FIROZ @ MOHAMMAD FIROZ

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STATE GOVT. OF NCT OF DELHI AND ANR.

Through: Mr. Hemant Mehla,
with SI Pankaj Ku
Nagar
Mr. Sachit Sharma

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

OR

% 14.02.2025

1. The present petitions have been filed under Section 482 of Criminal Procedure Code, 1973 (now Section 528 of Bharatiya Nagarik Suraksha "CrPC")

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(i) In CRL.M.C. 1040/2025 - FIR No. 381/2016 dated 16th August, 2016 under Sections 364, 324 and 34 of the Indian Penal Code, 1860 3, registered at P.S. Jyoti Nagar, Delhi, against Nazir, Aetul Ameer, Rajiuddin and Sallu, and

(ii) In CRL.M.C. 1079/2025 - FIR No. 397/2016 dated 30th August, 2016, under Section 323, 452 and 506 of IPC, registered at P.S. Jyoti Nagar, Delhi, against Firoz.

2. The FIR No. 381/2016 against 4 accused persons - Nazir, Aetul Ameer, Rajiuddin and Sallu - was filed on the complaint of Firoz - the accused in FIR No. 397/2016; and whereas, FIR No. 397/2016 was filed on a complaint made by Ms. Seema, wife of one of the accused Rajiuddin.

3. Briefly stated, the case of Firoz against the four accused persons is that on 12th August, 2016 his wife and his sister-in law Nisha had a quarrel regarding the water motor of the joint family property. Nisha - the sister-in- law of Firoz then called her brothers over to the house, who upon arrival, started fighting with Firoz. When Firoz ran away to save himself, but he was caught and beat up by the four accused persons, who then also took him in a red coloured car to an apartment complex in Vaishali, Ghaziabad. The accused persons then took Firoz to a room on the 11 th floor of the apartment complex and while Rajiuddin and Sallu held him down, Amir and Nazir used a sharp object to draw a cross mark on Firoz's back. The accused further threatened Firoz by stating that the mark was a sign of danger and if "BNSS"

"IPC"

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The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 07/03/2025 at 23:08:11 Firoz does not vacate the joint family property, he will be killed. Afterwards the accused brought Firoz back to Kardampuri and left him on the street. Thereafter, police were called and Firoz was taken to GTB Hospital for medical treatment. Pursuant to this physical assault and a complaint by Firoz, the FIR no. 381/2016 was registered. Pertinently, in his complaint to the police, Firoz disclosed that there was an ongoing dispute regarding the division of the said property for a few years.

4. On the other hand, Ms. Seema, wife of one of the accused Rajiuddin in the FIR No. 381/2016, filed a complaint against Firoz, stating that on 12th August, 2016, at around 9:30 PM, Firoz along with his brother-in-law Sonu @Deva came to her house and started to quarrel with her. She stated that Son@ Deva was a known miscreant in the area and he was known to be hiding from the U.P. police. When Seema asked the persons to leave, they started beating her up. To save herself, she first ran to her bedroom, however, Firoz entered the room and kicked and punched her again. Then she ran out to the street, where again Firoz caught a hold of her and started to abuse and threaten to kill her. Due to the commotion, a few people from the locality gathered around, because of which Firoz ran away. Subsequently, sometime later, Firoz came to Seema's room again in a drunken stated and started to fight with her, at which point in time she called on the police number 100. However, Firoz

fled from the spot. The police then escorted Seema to GTB Hospital for medical treatment and after a few days, she came to the police station and made a statement, leading to the registration of FIR No. 397/2016 under Sections 323, 452 and 506 of IPC against Firoz.

5. In both of the above cross FIRs, the chargesheets have been filed This is a digitally signed order.

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i. Seema (wife of Rajiuddin) the Complainant in FIR No. 397/2016; ii. Firoz, the Complainant in FIR No. 381/2016 and accused in FIR No. 397/2016;

iii. Nazir@Naziruddin Ansari, accused in FIR No. 381/2016;

iv. Rajiuddin, accused in FIR No. 381/2016;
v. Sallu, accused in FIR No. 381/2016 and
vi. Amir, accused in FIR No. 381/2016.

6. As per the MoU, both the complainants - i.e., Seema and Firoz, have agreed to settle the matter and seek joint quashing of the litigations arising out of the cross FIRs. A copy of the MoU has been placed on record, and is perused by the Court. In view of this settlement, the Complainants present in Court have expressed their unequivocal intent not to pursue the FIR proceedings. They confirm to the Court that they are not under any undue influence or coercion and have taken the decision to settle the matter voluntarily.

7. The Supreme Court in Gian Singh v. State of Punjab & Anr.⁵ has "MoU"

(2012) 10 SCC 303 This is a digitally signed order.

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"11. As discussed above, offence punishable under Section 186/332/353 of the IPC are non compoundable being of serious nature, however, if the Court feels that continuation of criminal proceedings will be an exercise in futility and justice in this case demands that the dispute between the parties is put to an end and peace is

restored, it can order for quashing of the FIR or criminal proceedings as it is the duty of the Court to prevent continuation of unnecessary judicial process.

12. In view of the law discussed above, considering the Settlement arrived at between the parties and the statements of respondent no.1 & 2, I am of the considered opinion that this matter deserves to be given a quietus as continuance of proceedings arising out of the FIR in question would be an exercise in futility."

8. Further, in *Narinder Singh & Ors. v. State of Punjab & Anr.*,⁶ the Supreme Court held as follows:

"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 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."

[Emphasis Supplied] (2014) 6 SCC 466 This is a digitally signed order.

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9. Applying the principles laid down in the above decisions, this Court notes that while the offences under Sections 365, 324 and 452 of IPC are non-compoundable, the inherent power under Section 482 CrPC allows this Court to quash criminal proceedings in cases where an amicable settlement has been reached.

10. The parties present before the Court are duly identified by the IO, as well as their counsel. Ms. Seema, the Complainant in FIR No. 397/2016 and Mr. Firoz, the Complainant in FIR No. 381/2016

confirm the MoU dated 10th November, 2023 and state that the parties, with the assistance of their family members, amicably resolved their dispute. He confirms the receipt of the full and final settlement amount of INR 40,000/- from the accused persons in FIR No. 381/2016, as per the MoU, towards litigation and medical expenses borne by him.

11. While it is true that offences under Sections 365, 324 and 452 of IPC are not offences in personam, meaning they affect society at large and not just the individual complainant, the Court must also take into account the practical realities of securing a conviction in the present case. The Supreme Court has consistently held that where the chances of conviction are remote due to an amicable settlement between the parties, the Court should consider whether continuing the prosecution would serve any meaningful purpose. Since the Complainants have entered into a voluntary and genuine settlement, and are unwilling to pursue the case, the likelihood of conviction diminishes significantly. Thus, considering the totality of circumstances, the Court is of the view that allowing the prosecution of the impugned FIRs to continue would serve no useful purpose. It would not only be a waste of judicial time but would lead to an unnecessary burden on the State. This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 07/03/2025 at 23:08:12 Exchequer. In light of the settled legal position, the present case is fit for quashing under Section 482 of CrPC.

12. However, since the State machinery was set in motion based on the impugned cross FIRs, it is appropriate to impose costs on the Petitioners. Accordingly, all the Petitioners are directed to deposit INR 2,500/- each with the Delhi Police Welfare Fund.

13. In view of the foregoing, the present petitions are allowed and FIR No. 381/2016 under Sections 364, 324 and 34 of IPC and FIR No. 397/2016 under Sections 323, 452 and 506 of IPC, both registered at P.S. Jyoti Nagar are quashed. Accordingly, all proceedings emanating from the above two FIRs are also quashed.

14. It is expected that the parties shall abide by the terms of settlement.

15. Accordingly, the petition is disposed of.

16. Pending applications, if any, are disposed of as infructuous.

SANJEEV NARULA, J FEBRUARY 14, 2025 This is a digitally signed order.

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