

Kapil Nagar & Anr vs The State Of Nct Delhi And Anr on 28 April, 2022

Author: Prateek Jalan

Bench: Prateek Jalan

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P. (CRL) 938/2022

KAPIL NAGAR & ANR.

Through:

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Ms. Aditi Singh, Advocate.

versus

THE STATE OF NCT DELHI AND ANR. Respondents

Through: Mr. Rajesh Mahajan, ASC with
Mr. Ranjeeb Kamal Bora,
Advocate for the State with SI
Bhagwan Singh, PS Neb Sarai.
Mr. Anmol Chauhan, Advocate for
R-2.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% 28.04.2022 CRL.M.A. 7897/2022(exemption) Exemption allowed, subject to all just exceptions.
The application stands disposed of.

W.P.(CRL) 938/2022

1. By way of the present petition under Section 482 of the Code of Criminal Procedure, 1973 ["CrPC"], the petitioners seek quashing of FIR No. 49/2020, dated 28.01.2020, registered in Police Station Neb Sarai, under Sections 356/379/354/34 of the Indian Penal Code, 1860 ["IPC"].

2. The FIR was registered on 28.01.2020 at the instance of the respondent No. 2-complainant in respect of an incident that took place on 22.01.2020. It is stated in the FIR that the complainant runs a Non- Governmental Organisation. During a political meeting, she made an attempt to climb onto the stage but, due to the crowd, she was pushed and fell down. It is pursuant to this incident that the FIR was lodged.

3. The parties have since signed a compromise deed dated 18.04.2022 in which it is stated that the FIR arose out of a misunderstanding which has been sorted out amicably with the intervention of

friends and well- wishers.

4. The petitioners and the complainant are personally present in Court, and they are identified by their respective counsel as well as by the Investigating Officer. They confirm that they have entered into the compromise deed voluntarily and without any pressure or coercion from any other party. The complainant confirms that the FIR arose out of a misunderstanding which has since been resolved and she has no objection to the quashing of the FIR.

5. The power of the Court to quash criminal proceedings on the ground of a settlement has been considered by the Supreme Court in a number of cases. While emphasising that the exercise of the power under Section 482 of the CrPC in a particular case would depend upon the facts and circumstances of the case and no hard and fast categorisation is possible, the Supreme Court in *Gian Singh vs. State of Punjab and Another* (2012) 10 SCC 303 [paragraph 58] observed that the wrong is basically to the victim and the quashing of criminal proceedings in such a case may be appropriate even if the offences have not been made compoundable. Similarly, the guidelines laid down in *Narinder Singh and Others vs. State of Punjab and Another* (2014) 6 SCC 466 [paragraph 29.4] contemplate that FIRs in cases where there is/was a pre-existing familial or other personal relationship between the parties may be considered in this context. Such proceedings, can be quashed if it would meet the ends of justice or prevent the abuse of the process of the Court.

6. In the present case, it appears that the petitioners and the complainant are known to each other for a long time. The complainant also confirms that the FIR arose out of a misunderstanding which stands resolved. The offences alleged are in the nature of a personal grievance rather than a crime against society at large. In the case of such complaints, the Supreme Court has held that proceedings can be quashed on the parties reaching a settlement. The allegations are not of such a nature which would render quashing of the FIR impermissible, in view of the judgments of the Supreme Court. The parties having entered into a voluntary settlement, the likelihood of conviction has also diminished. In these circumstances, I am of the view that it would be in the interest of justice to quash the proceedings arising out of the subject FIR.

7. In view of the aforesaid circumstances, the petition is allowed and FIR No. 49/2020, dated 28.01.2020, registered in Police Station Neb Sarai, under Sections 356/379/354/34 of the IPC, alongwith all proceedings emanating therefrom, is hereby quashed.

PRATEEK JALAN, J APRIL 28, 2022 'pv'/ [Click here to check corrigendum](#), if any