

Sh. Shubham Goyal & Ors vs State Of Nct Of Delhi & Ors on 11 February, 2022

Author: Chandra Dhari Singh

Bench: Chandra Dhari Singh

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IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(CRL) 2503/2021

SH. SHUBHAM GOYAL & ORS

Through: Mr. Neeraj Gupta, Advoc

versus

STATE OF NCT OF DELHI & ORS

..... Responden

Through: Mr. Avi Singh, ASC for State with

Mr. Karan Dhalla, Advocate along

with ASI Satyapal Singh, P.S. So

Rohini

Mr. Mukesh Rajput and Mr. Shiv

Kumar, Advocates for R-2 to 4

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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11.02.2022

(THROUGH VIDEO CONFERENCING)

1. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 read with Article 226 and 227 of the Constitution of India has been filed by the petitioner praying for quashing of FIR bearing No. 408/2021 under Sections 308/323/354/34 of Indian Penal Code, 1860 registered at Police Station South Rohini, Delhi.

2. All the petitioners are present before this Court virtually and have been identified by their counsel Mr. Neeraj Gupta, Enrolment No. D/551/2000 and Investigating Officer ASI Satyapal Singh, Police Station South Rohini. All the respondents are also present in the Court virtually and have been identified by their counsel Mr. Mukesh Rajput, Enrolment No. D/173/2009 and the Investigating Officer.

3. On the query made by this Court, all the respondents have categorically stated that they have entered into compromise on their own free will and without any pressure. It is also stated by the respondents that the entire dispute has been amicably settled between the parties.

4. The brief facts of the case are that on 9th October, 2021, ASI Satya Pal received a call for an incident regarding violence. When the ASI reached there, he was informed that the injured person namely Bhagat had gone to BSA hospital by his private vehicle. Thereafter, the ASI reached to the hospital and collected the MLC report where he was informed that the injured Bhagat had been shifted to Safdurjung hospital for treatment and the injured Kirpal had refused to give statement as he was having severe pain.
5. Thereafter, the ASI tried recording the statement of the injured victim several times. Even the wife of the victim refused to give statement. Thus, on the basis of MLC, ASI registered an FIR under Section 308 IPC. Later on, Sections 354/323/34 IPC were added. No person was named as the suspect in the FIR.
6. With the intervention of the relatives, a Memorandum of Understanding (hereinafter "MoU") was signed between the parties on 11th November, 2021. An addendum to the Memorandum of Understanding was also signed on 26th November, 2021.
7. The MoU merely envisaged cooperation between the parties for withdrawing the respective cases while Addendum included a condition where the petitioners had to pay a sum of Rs. 2,00,000/- (Two Lakh Rupees only) to the respondents as compensation. On 26th December, 2021, the said amount has also been paid. Copy of MOU dated 11th November, 2021 is appended as Annexure P-2. Copy of addendum dated 26th November, 2021 is appended as Annexure P-3.
8. The petitioners have also been granted the Anticipatory bail vide order dated 27th November, 2021 passed by learned Additional Sessions Judge, North-West, Rohini Courts.
9. Learned counsel appearing on behalf of petitioners submitted that the FIR in question was got registered only due to misunderstanding and confusion. It is further submitted that there is no dispute whatsoever between the parties and since they have settled their disputes amicably, the parties do not want to pursue the said complaint/FIR any more.
10. It is also informed that the respondents no. 2 to 4 have filed their no objection certificate.
11. It is prayed by the learned counsel appearing on behalf of the parties that the instant FIR may be quashed on the basis of the compromise as per the Judgment of the Hon'ble Supreme Court passed in Gian Singh vs. State of Punjab, (2012) 10 SCC 303.
12. Mr. Avi Singh, learned ASC for the State submitted that there is no objection to the prayer made by the petitioners seeking quashing of the FIR in question in view of the settlement arrived at between the parties.
13. Heard learned counsel for the parties and perused the record.
14. Keeping in view the fact that parties have settled the matter and there is no opposition on behalf of the State, no useful purpose would be served by keeping the matter pending. Hence, in light of the

Judgment passed by the Hon'ble Supreme Court in Gian Singh (Supra), FIR bearing No. 408/2021 registered at Police Station South Rohini, Delhi for offences punishable under Sections 308/323/354/34 of the IPC and consequent proceedings emanating therefrom are quashed subject to deposit of Rs. 25,000/- (Rupees Twenty Five Thousand only) with Armed Forces Battle Casualties Welfare Fund, Account No. 90552010165915, Canara Bank (IFSC Code: CNRB0019055) within a period of seven days. After payment of the aforesaid amount, receipt shall be deposited with the Investigating Officer.

15. With the aforesaid directions, the petition stands disposed of.

16. Pending applications, if any, also stand disposed of.

CHANDRA DHARI SINGH, J FEBRUARY 11, 2022 Dy/ms