

Sandeep Kumar & Ors vs State & Ors on 10 March, 2025

Author: Sanjeev Narula

Bench: Sanjeev Narula

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IN THE HIGH COURT OF DELHI AT NEW DELHI
W.P.(CRL) 2859/2023
SANDEEP KUMAR & ORS.

STATE & ORS.

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W.P.(CRL) 2868/2023
YOGESH & ORS.

STATE & ORS.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

% 10.03.2025

1. The present petitions filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 20231 (formerly Section 482 of Criminal Procedure Code, 19732) seeking quashing of cross FIRs, the details of which are as follows:

"BNSS"

"CrPC"

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(i) The W.P.(CRL) 2859/2023 impugns FIR No. 356/2023 dated 6th August, 2023 under Sections 354/354B/323/506/34 of the Indian Penal Code, 1860, registered at P.S. Baba Haridas Nagar, wherein Mr. Sandeep Kumar, Mr. Lokesh @ Shankar, Ms. Chanchal, Ms. Kamla are named as accused. This FIR was registered on a complaint of Ms. Roshni Devi.

(ii) The W.P.(CRL) 2868/2023 impugns FIR No. 355/2023 dated 6th August, 2023 under Sections 354/323/34 of IPC and Sections 25/54/59 of the Arms Act, 1959 registered at P.S. Baba Haridas Nagar wherein Mr. Yogesh, Mr. Ramesh, Mr. Naresh and Ms. Roshni Devi are accused. This FIR was registered on a complaint of Ms. Chanchal and Ms. Kamla.

2. Briefly, the case of Ms. Roshni Devi against the Petitioners in FIR No. 356/2023 is that she had a dispute with Ms. Kamla and on 4th August, 2023, when her and her husband were returning from their plot to their house, Mr. Sandeep grabbed her hand and Mr. Lokesh @ Shankar tore her clothes and threatened her of dire consequences. When her husband tried to intervene, Mr. Sandeep hit her husband on the head with a stick after which he fainted. After hearing the commotion, Mr. Yogesh, who is the son of Ms. Roshni Devi came out of the house and after seeing him, Mr. Sandeep and Mr. Lokesh @ Shankar ran away.

3. On the other hand, in FIR No. 355/2023, Ms. Chanchal and Ms. Kamla stated that on 4th August, 2023, Mr. Ramesh, under intoxication hurled abuses to them and their family members. When her brother, Mr. Sandeep was going somewhere, Mr. Ramesh and Mr. Yogesh attacked him. This, they said, was not an isolated incident but has happened before as well. On the date of the incident, Mr. Yogesh pointed a gun on Mr. Sandeep and "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 04/04/2025 at 22:23:58. Mr. Ramesh, Ms. Roshni and Mr. Yogesh hit Mr. Sandeep with sticks. Upon hearing the cries of Mr. Sandeep, Mr. Lokesh went to help him, and Mr. Yogesh shot in the direction of Mr. Lokesh; however, no injury was suffered by him. Subsequently, Mr. Naresh and Mr. Yogesh tore the clothes of Ms. Chanchal and Ms. Kamla in a public place and dragged them on the road causing injuries.

4. In both of the above cross FIRs, the chargesheets have been filed and the cases are pending consideration of the Trial Court. All of the Petitioners submit that during the pendency of the trial proceedings in the above cases, on the intervention of respectable members of society, all parties have amicably settled the dispute. In this regard, the Petitioners in both cases submit that they have also executed a Compromise Deeds, both dated 18th September, 2023.

5. Copies of the Compromised Deeds have been placed on record. 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.

6. The parties present before the Court are duly identified by the IO, as well as their counsel.
7. The Court has considered the afore-noted. Notably, the offences under Sections 354 and 354B are non-compoundable and offences under Sections 323 and 506 of IPC are compoundable.
8. In this regard, the Supreme Court in *Gian Singh v. State of Punjab* & 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."

9. Further, in *Narinder Singh & Ors. v. State of Punjab & Anr.*,⁵ 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."

(2012) 10 SCC 303 (2014) 6 SCC 466 This is a digitally signed order.

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10. It must also be noted that the nature of injuries suffered by both parties are categorized as simple in nature. Although, in FIR No. 355/2023 an allegation has been made of use of firearm, however, the injuries suffered are not on account of use of the fire arm. During investigation, no evidence of use of the firearm was discovered and the magazine as well as the ammunition was provided by the Complainant herself and not recovered from the crime scene.

11. Nonetheless, since the Complainants have entered into a voluntary and genuine settlement, no purpose would be served by keeping the present proceedings alive. It would not only be a waste of judicial time but would lead to an unnecessary burden on the State 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 5,000/- each with the Delhi Police Welfare Fund.

13. In view of the foregoing, the present petitions are allowed and FIR No. 355/2023 and 356/2023 are hereby quash. 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 petitions are allowed in the aforesaid terms.

SANJEEV NARULA, J MARCH 10, 2025/nk This is a digitally signed order.

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