

Satish & Ors vs State Nct Of Delhi & Anr on 10 February, 2021

Author: Yogesh Khanna

Bench: Yogesh Khanna

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IN THE HIGH COURT OF DELHI AT NEW DELHI
CRL.M.C. 2368/2020
SATISH & ORS.

Through : Mr.S.P.Kaushal and M
Advocates

versus

STATE NCT OF DELHI & ANR.

Through : Mr.Amit Ahlawat, APP
with Insp. Sanjay
Mr.Vikas Saini, Ad

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA
ORDER

% 10.02.2021

1. This petition is filed seeking quashing of the FIR No.589/16 under Sections 384/387/201/120B/34 IPC and Section 30 of Arms Act registered at police station Bindapur, Delhi and the proceedings emanating therefrom.

2. The FIR was registered pursuant to the complaint lodged by respondent No.2. As per the prosecution on 13.09.2016 a complaint was lodged by respondent No.2 alleging the petitioners are indulged in acts of demanding money from the petitioners and the complaint was filed before the police. The chargesheet has been recently filed before the learned MM.

3. It is submitted by learned counsel for the petitioners the parties are inhabitants of the same area and have been living peacefully ever since and are attending/meeting in the functions/ceremonies etc. organised by respectable common acquaintances and friends prior to lockdown and that the FIR was got registered on account of misunderstanding which now stands cleared between the parties. It is stated with the intervention and mediation of respectable and elderly persons and other members of the society, the petitioners and respondent No.2, have on their free will and without any force, fraud, pressure or coercion, have resolved their differences and disputes and executed MoU/Compromise deed dated 07.11.2019 and that they shall abide by the terms and conditions of the same. The respondent No.2 has also sworn and filed an affidavit he does not want to propose any action as all their differences and disputes have been settled and he has no objection if the FIR is quashed.

4. In Gian Singh V.State of Punjab (2012) 10 SCC 303 the Hon'ble Supreme Court has observed as under :

61. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.

5. In Narinder Singh V.State of Punjab (2014) 6 SCC 466 the Hon'ble Supreme Court has observed as under :

29.7 While deciding whether to exercise its power under Section 482 of the Code or not, timings of settlement play a crucial role. Those cases where the settlement is arrived at immediately after the alleged commission of offence and the matter is still under investigation, the High Court may be liberal in accepting the settlement to quash the criminal proceedings/investigation. It is because of the reason that at this stage the investigation is still on and even the charge sheet has not been filed. Likewise, those cases where the charge is framed but the evidence is yet to start or the evidence is still at infancy stage, the High Court can show benevolence in exercising its powers favourably, but after prima facie assessment of the circumstances/material mentioned above. On the other hand, where the prosecution evidence is almost complete or after the conclusion of the evidence the matter is at the stage of argument, normally the High Court should refrain from exercising its power under Section 482 of the Code, as in such cases the trial court would be in a position to decide the case finally on merits and to come a conclusion as to whether the offence under Section 307 IPC is committed or not. Similarly, in those cases where the conviction is already recorded by the trial court and the matter is at the appellate stage before the High Court, mere compromise between the parties would not be a ground to accept the same resulting in acquittal of the offender who has already been convicted by the trial court. Here charge is proved under Section 307 IPC and conviction is already recorded of a heinous crime and, therefore, there is no question of sparing a convict found guilty of such a crime.

6. In Devenderjeet Singh & Anr. Vs. SHO/IO & Anr. 2015 SCC Online Del 11093, this Court quashed the FIR under Section 387 IPC.

7. Since the parties knew each other beforehand and since there was an alleged misunderstanding which led to filing of FIR, and since such misunderstanding is cleared, there is no impediment in quashing of the FIR.

8. In view of the above the petition stands allowed subject to cost of Rs.25,000/- to be deposited by the petitioner with the Delhi High Court Legal Services Committee within a period of three weeks from today and upon placing the receipt of the cost paid, the FIR No.589/16 under Sections 384/387/201/120B/34 IPC and Section 30 of Arms Act registered at police station Bindapur, Delhi

and the proceedings emanating therefrom stands quashed.

9. The petition stands disposed of.

YOGESH KHANNA, J.

FEBRUARY 10, 2021 VLD