



2025:DHC:4545



\$~37

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

%

Date of decision: 28.05.2025

+

CRL.M.C. 2544/2025

SHARAFAT ALI ANSARI & ANR.Petitioners

Through: Both petitioners in person with
Mr. Raj Kumar, Mr. Parmanand
& Ms. Vidhata, Advs.

versus

STATE GOVT. OF NCT OF DELHI AND ANR

... Respondents

Through: Mr. Hitesh Vali, APP for the
State with IO ASI Ram Dass,
PS Ghazipur
R-2 in person

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

JUDGMENT(ORAL)

RAVINDER DUDEJA, J.

1. This is a petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking quashing of FIR No. 0035/2023, dated 28.01.2023, registered at P.S Ghazipur under section 308/34 IPC and all proceedings emanating therefrom on the basis of settlement between the parties.

2. On 27.01.2023, the Respondent No.2 while returning home with his brother Junaid, got into an argument with Salman (Petitioner



No.2), the owner of a house under repair, over the parking of their motorcycle in a narrow street. The argument escalated when Petitioner No.1 who is the elder brother of Petitioner No.2 struck the Respondent No.2 on the head with a wooden stick, causing injuries. Respondent No.2 was taken to LBS Hospital where his MLC was conducted. Thereafter, Respondent No. 2 lodged the aforesaid FIR against the Petitioners.

3. During the proceedings, the parties amicably resolved their disputes and executed a Compromise Deed dated 11.03.2025. In pursuance of the Settlement, the Petitioner has paid Rs. 50,000/- (Rupees fifty thousand) to the Respondent No.2 as full and final settlement as per the schedule mentioned in the Compromise Deed dated 11.03.2025. It is submitted that all the previous complaints and litigations initiated by the parties have been withdrawn. The copy of Compromise Deed dated 11.03.2025 has been placed on record as Annexure P-2.

4. The matter was placed before the Joint Registrar, who has recorded the statements of both the parties and passed the following orders:-

“22.05.2025

Today, statement of respondent no. 2 has been recorded to ascertain the veracity and the genuineness of the parties entering into settlement.



Respondent no. 2 has been identified by IO.

Today statement of deputed IO, with respect to previous involvements of petitioners/accused recorded. As per the statement none of the petitioners has any previous involvement. This statement also recorded with respect to the nature of injuries suffered by victims; & as per his statement the victims suffered '**grievous injuries**'.

As per the MEG of the victim suffered '**lacerated wound on frontal region bearing size of 6 x 1 Cm**' and was referred to surgeon. Considering the nature and gravity of the offence and also considering the stage of the proceedings, the matter is "**RED FLAGGED**".

Let this pre-verified statement along with this order be placed before the Hon'ble Court on **28th May, 2025**.

5. Parties are physically present before the Court with counsel for petitioners. They have been identified by their respective counsels as well as by the Investigating Officer ASI Ram Dass, PS Ghazipur.

6. Respondent No.2 confirms that the matter has been settled with the Petitioner without any force, fear, coercion and he has received the payment of Rs. 50,000/- (Rupees fifty thousand) from the Petitioners as per the schedule mentioned in the Compromise Deed dated 11.03.2025. It is further submitted that he has no objection if the FIR No. 0035/2023 is quashed against the Petitioners.

7. In view of the settlement between the parties, learned Additional PP appearing for the State, also has no objection if the present FIR No. 0035/2023 is quashed.



8. In *Gian Singh vs State of Punjab (2012) 10 SCC 303*, Hon'ble Supreme Court has recognized the need of amicable resolution of disputes by observing 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 proceedings or continuation of criminal proceedings would tantamount to abuse of process of law despite settlement and compromise between the victim and the 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 the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceedings."

9. In view of the aforesaid circumstances and the fact that parties have put a quietus to the dispute, no useful purpose will be served in continuing with the present FIR No. 0035/2023, dated 28.01.2023, registered at P.S Ghazipur under section 308/34 IPC and all the other consequential proceeding emanating therefrom.

10. In the interest of justice, the petition is allowed, and the FIR No. 0035/2023, dated 28.01.2023, registered at P.S Ghazipur under section 308/34 IPC and all the other consequential proceeding emanating therefrom is hereby quashed, subject to the petitioners depositing Rs. 5000/- as cost in the Delhi High Court Advocate Welfare Fund in "DHCBA Cost A/C No. 15530110179338" maintained with UCO Bank, Delhi High Court, New Delhi, within 15 days from today.

11. Petition is allowed and disposed of accordingly.



2025:DHC:4545



12. Pending application(s), if any, also stand disposed of.

RAVINDER DUDEJA, J

MAY 28, 2025/AK

