

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS.864-866/2024

(@PETITION FOR SPECIAL LEAVE TO APPEAL (CRL.) NOS.16616-16618/2023)

JAIVEER MALIK & ANR. ETC.

...Appellant(s)

VERSUS

THE STATE OF DELHI

...Respondent(s)

O R D E R

1. Leave granted.
2. These appeals have been filed jointly by the appellants who are the complainant as well as the accused challenging the common impugned order dated 23-11-2022 passed by the High Court of Delhi at New Delhi in CRLMC No. 2076/2019, CRLMC No.2082/2019 and CRLMC No. 2083/2019, whereby the said petitions have been dismissed.
3. Learned counsel for the appellants has drawn the attention to the decision of this Court in "Yogendra Yadav and Others vs. State of Jharkhand and Another" reported in (2014) 9 SCC 653, in Para 4 it has been observed as under: -

"4. Now, the question before this Court is whether this Court can compound the offences under Sections 326 and 307 of the IPC which are non-compoundable. Needless to say that offences which are non-compoundable cannot be compounded by the court. Courts draw the power of compounding offences from Section 320 of the Code. The said provision has to be strictly followed (Gian Singh v. State of Punjab) (2012) 10 SCC 303. However, in a

given case, the High Court can quash a criminal proceeding in exercise of its power under Section 482 of the Code having regard to the fact that the parties have amicably settled their disputes and the victim has no objection, even though the offences are non-compoundable. In which cases the High Court can exercise its discretion to quash the proceedings will depend on facts and circumstances of each case. Offences which involve moral turpitude, grave offences like rape, murder etc. cannot be effaced by quashing the proceedings because that will have harmful effect on the society. Such offences cannot be said to be restricted to two individuals or two groups. If such offences are quashed, it may send wrong signal to the society. However, when the High Court is convinced that the offences are entirely personal in nature and, therefore, do not affect public peace or tranquility and where it feels that quashing of such proceedings on account of compromise would bring about peace and would secure ends of justice, it should not hesitate to quash them. In such cases, the prosecution becomes a lame prosecution. Pursuing such a lame prosecution would be waste of time and energy. That will also unsettle the compromise and obstruct restoration of peace"

4. The learned counsel for the appellants has submitted that both the complainant and the accused are the neighbours and the quarrel had taken place on a petty matter of a dog. According to him, since the matter is amicably settled between the parties, the criminal cases filed by them be quashed. The learned ASG Mrs. Bhati for the State has no objection against quashing of the criminal cases in view of settlement having taken place between the parties.
5. Having regard to the submissions and to the material on record, it appears that incident in question had taken place in the year 2016 on some petty matter which had culminated into filing

of cross-complaints. It further appears that the appellants are the neighbours and have amicably settled all their disputes. Hence, in order to restore the peace between the parties and in view of the ratio laid down by this Court in "Yogendra Yadav And Others vs. State of Jharkhand And Another" (supra), we are inclined to allow the present appeals and quash the proceedings between the parties.

6. In that view of the matter, the proceedings arising out of FIR bearing No.223/2016 dated 23-04-2016 and FIR bearing No.228/2016 dated 28-04-2016 registered at Police Station Burari, Delhi, with all consequential proceedings are hereby quashed and set aside. The Appeals stand allowed accordingly.

.....J  
(BELA M. TRIVEDI)

.....J  
(PANKAJ MITHAL)

NEW DELHI;  
12TH FEBRUARY 2024

ITEM NO.50

COURT NO.15

SECTION II-C

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petitions for Special Leave to Appeal (Crl.) Nos.16616-16618/2023

(Arising out of impugned final judgment and order dated 23-11-2022 in CRLMC No. 2076/2019, CRLMC No. 2082/2019 & CRLMC No. 2083/2019 passed by the High Court of Delhi at New Delhi)

JAIVEER MALIK &amp; ANR.ETC.

Petitioner(s)

VERSUS

THE STATE OF DELHI

Respondent(s)

Date : 12-02-2024 These petitions were called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE BELA M. TRIVEDI  
HON'BLE MR. JUSTICE PANKAJ MITHAL

For Petitioner(s)

Mr. Lohit Ganguly, Adv.  
Ms. Reeta Puniya, Adv.  
Mr. Rameshwar Prasad Goyal, AOR

For Respondent(s)

Mr. Mukesh Kumar Maroria, AOR  
Mr. Prashant Singh II, Adv.  
Mr. Siddharth Sinha, Adv.  
Ms. Shagun Thakur, Adv.  
Mr. Prashant Singh I, Adv.  
Mr. Padmesh Mishra, Adv.  
Ms. Misha Kumar, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

1. Leave granted.
2. Appeals stand allowed, in terms of the signed order.

(VISHAL ANAND)  
ASTT. REGISTRAR-cum-PS

(MAMTA RAWAT)  
COURT MASTER (NSH)

(Signed Order is placed on the file)