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

+ CRL.M.C. 5485/2022
GEETA & ORS.

..... Petitioners

Through: Mr. Hemant Chaudhary, Mr. Faraz
Zaidi & Mr. Akhil Kumar,
Advocates.

versus

STATE & ORS.

..... Respondents

Through: Mr. Amit Sahni, APP for the State.
SI S. Singh, P.S. Wazirabad.

+ CRL.M.C. 5573/2022
ASHOK KUMAR@ BINAMI & ORS.

..... Petitioners

Through:

versus

THE STATE & ORS.

..... Respondents

Through: Mr. Hemant Chaudhary, Mr. Faraz
Zaidi & Mr. Akhil Kumar, Advocates
for R-2.
SI Ghanshyam, P.S. Wazirabad.

+ BAIL APPLN. 860/2023
NIRMALA DEVI

..... Petitioner

Through: Mr. Hemant Chaudhary, Mr. F. Zaidi &
Akhil Kumar, Advocates.

versus

STATE

..... Respondent

Through: Mr. Amit Sahni, APP for the State.
SI S. Singh, P.S. Wazirabad.

CRL.M.C. 5485/2022 & connected matters

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+ BAIL APPLN. 880/2023
MANISHA

..... Petitioner

Through: Mr.Hemant Chaudhary, Mr.F.Zaidi &
Akhil Kumar, Advocates.

versus

STATE

..... Respondent

Through: Mr. Amit Sahni, APP for the State.
SI S. Singh, P.S. Wazirabad.

+ BAIL APPLN. 901/2023
SHIVNATH

..... Petitioner

Through: Mr.Hemant Chaudhary, Mr.F.Zaidi &
Akhil Kumar, Advocates.

versus

STATE

..... Respondent

Through: Mr. Amit Sahni, APP for the State.
SI S. Singh, P.S. Wazirabad.

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Date of Decision: 24.08.2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. The present petitions have been filed under section 482 Cr.P.C for quashing FIR No. 324/2022 and under sections 307/323/324/34 IPC at P.S Wazirabad, North Delhi and for quashing FIR No. 325/2022 under section 323/307/34 IPC at P.S Wazirabad, North Delhi.



2. FIR No. 324/2022 was lodged on the statement of Binami alleging therein that his family had a quarrel with the family residing on the same floor as the complainant. The petitioner/ Geeta was loudly abusing someone on the phone. On being asked, she picked up a brick and injured the son of the complainant. She also threatened to kill other family members and attacked the complainant's family with knives.
3. FIR No. 325/2022 was lodged by Geeta Kumari alleging therein that the accused who is residing on the same floor as the complainant was telling someone that we had a fight with neighbours and we would shoot them. On being asked, the accused started scuffling and thrashing the complainant and her sister.
4. However, the parties have now reached a settlement deed dated: 10.10.2022 on the following terms and conditions: -

"1. That the disputes and differences between both the parties have been settled amicably. Now, the second party left with no grievances against the first party in any manner whatsoever.

2. That it has been agreed between the parties that the second party shall compound the offences contained in the above FIR, which has been lodged against the first party and shall cooperate with the first party in getting quashed the above case FIR from the Hon'ble High Court of Delhi.

3. That both the parties have arrived on this settlement amicably and voluntarily, without any kind of threat, influence, coercion, pressure, force or fraud from any corner whatsoever.

4. That the contents of this deed have been read over and explained to both the parties in their vernacular language and



they have understood the same and admitted the same as true and correct.”

5. Learned counsel for the parties submits that both the parties are neighbours and belong to the lower strata of society. Learned counsel for the party submits that the quarrel took place on a very trivial issue which is now being settled.
6. Learned Additional PP has opposed the quashing petition on the ground that the offence is under Section 307 IPC repeatedly been held harmony of the society and even for 307 there has been intention of the or the circumstances while committing the act which would have caused death.
7. I consider that the settlement will bring peace in the society and cordial relations between the parties.
8. IO is present in the court today and has duly identified the parties.
9. Section 482 Cr.P.C. pre-supposes three circumstances under which the inherent jurisdiction may be exercised, i.e., (i) to give effect to an order (ii) to prevent the abuse of the process of court and (iii) to otherwise secure the ends of justice. The court while exercising the power under Section 482 Cr.P.C. does not function as a court of appeal or revision. The powers under Section 482 Cr.P.C., are of wide plenitude but have to be exercised sparingly with caution and only in the event when aforesaid three conditions are satisfied. The object behind the exercise



of such power should be to do real and substantial justice for the administration of which the courts exist.

10. Since the parties have reached a settlement, it has been repeatedly held by the Hon'ble Supreme Court and this court that when the chances of an ultimate conviction are bleak and, therefore, no useful purpose is likely to be served by allowing a criminal prosecution to continue, and where the court may be of the opinion that a settlement between the parties would lead to better relations between them, the court may exercise power under section 482 CrPC for quashing the proceedings or the complaint or the FIR as the case may be.
11. IO shall also ensure that the same are taken care of properly.
12. I consider that there would be no purpose in continuing with the proceedings. The parties have amicably settled the matter. In view of the above-stated facts and circumstances, FIR No. 0377/2022 under Section 287/304A IPC registered at P.S. Vijay Vihar, New Delhi and all the other proceedings emanating therefrom are Quashed.
13. The present petitions stand disposed of.

BAIL APPLN. 860/2023

BAIL APPLN. 880/2023

BAIL APPLN. 901/2023

14. Learned counsel for the petitioner submits that since FIR No. 0324/2022, under Section 307/323/324/34, P.S. Wazirabad and FIR No. 0325/2022, under Section 307/323/34 IPC have already been quashed. The present applications have become infructuous and may be



permitted to be withdrawn.

15. Hence, the applications stand dismissed as withdrawn.

DINESH KUMAR SHARMA, J

AUGUST 24, 2023/MR