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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **CRL.M.C. 2286/2022****SUMER SHARMA & ANR.**

..... Petitioners

Through: Mr. Shivinder Chopra, Ms. Neha Verma, Advs. with petitioners.

versus

STATE AND ANR.

..... Respondents

Through: Mr. Hemant Mehla, APP for the State with SI Sachin Dhama, PS Shalimar Bagh.

Respondent No.2 in person.

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*Date of Decision: 09th May, 2023***CORAM:****HON'BLE MR. JUSTICE DINESH KUMAR SHARMA****J U D G M E N T****DINESH KUMAR SHARMA, J. (Oral)**

1. Present petition under section 482 CR.P.C. has been filed seeking quashing of case FIR No. 435/2022 dated 25.04.2022 registered under Sections 354/506/34 IPC at PS Shalimar Bagh. The FIR was lodged on the complaint of respondent no.2/complainant, alleging therein that



on 25.04.2022 at around 4:00 PM, the petitioner No. 1 who is the brother in law of the complainant and resident of the same building as the complainant, abused her, used bad words and harassed her. It has been further alleged that the petitioner No.1 along with his son petitioner No.2 herein threatened the complainant and her daughter and said that that they will shoot her.

2. Ld. Counsel for the petitioner submits that the petitioners and complainant are admittedly family members and reside on the same building at different floors. Ld. Counsel submits that the present FIR arose due to certain misunderstandings between the parties over the occupancy by petitioner No.1 at the Ground Floor of the family property bearing House No. BH-8, West Shalimar Bagh, Delhi - 110088. It has been submitted that however, on the very next date, the parties amicably resolved all their disputes and differences. In terms of the settlement, a letter dated 28.04.2022 duly signed by the petitioners and respondent No.2/complainant was given to the SHO, PS Shalimar Bagh which reads as under:

*"To
The
SHO
Police Station Shalimar Bagh
Delhi – 110088*

Dated:28/04/2022

Sir,

It is requested that that I Renu Sharma W/o Mr. Dharmender Sharma R/o BH-8 Shalimar Bagh I had some fights with our family's brother-in-law, Sumer



Sharma. In lieu of which I got an FIR lodged in Police Station on 24/04/2022. Due to which action was also taken against them and appropriate action was taken. I agree with the action taken by you, and now I do not want any further action. Because we have mutually consented to agree with each other. In which Sumer ji has assured me that in future nothing like this will happen to me or my son and family. I have realized my mistake and don't want any further action against him.

*S/d
Sumer Sharma
28/04/2022*

*Thank you
Applicant*

*S/d
Kailash Sharma*

*S/d
Renu Sharma
Mobile No. 9811192394*

*S/d
Sunder Sharma*

*S/d
Dharmender Sharma
Dated: 28.04.2022”*

3. Ld. Counsel submits that in terms of the above letter and the amicable resolution of disputes between the parties, no grievance is remaining qua each other. Ld. Counsel submits that the parties are family members, the present FIR arose due to misunderstandings and the dispute was resolved on the very next day after registration of the FIR. Ld. Counsel submits that since the complainant does not wish to pursue the present complaint, thus continuing with the present FIR would serve no useful purpose.



4. Petitioner No. 1 is present in person and petitioner No. 2 is appearing through VC. Respondent Nos. 2 & 3 are present in person and respondent No. 4 is appearing through VC. The IO has duly identified all the parties. Respondent No. 2/Complainant states that the present FIR arose due to misunderstandings between the parties which were amicably resolved on the very next day. Complainant states that in lieu of the settlement, she along with the petitioners herein wrote a letter dated 28.04.2022 to the SHO, PS Shalimar Bagh stating therein that she does not want to pursue the complaint any further and wants to put a quietus to the same. Respondent No.2/complainant states that besides the letter dated 28.04.2022 there is no other formal settlement agreement between the parties. She states that however in terms of the amicable resolution of all the disputes, she no longer has any grievance against the petitioners and has no objection if the present FIR and subsequent proceedings emanating therefrom are quashed. The IO has identified the letter dated 28.04.2022 and states that there is no other case pending qua the parties. The complainant states that she has settled the dispute with the petitioners voluntarily out of her own free will, without any fear, force or coercion. An affidavit of no objection on behalf of the respondents has also been placed on record.
5. I have considered the submissions. Admittedly, the parties have amicably settled all their disputes and no further grievances remain. The complainant and the petitioners are family members residing on the same building. It has been stated that the FIR arose to due to



misunderstandings which stood amicably resolved the very next day. In terms of the amicable settlement they duly executed a letter dated 28.04.2022 to the concerned SHO to close the case as the dispute was amicably resolved between them. The complainant no longer wishes to pursue the present complaint. It is pertinent to note that this Court while exercising its inherent power under section 482 Cr.P.C. must examine as to whether the possibility of conviction is remote and bleak and whether continuation of criminal proceedings would put the accused to great oppression and prejudice. Section 482 Cr.P.C. preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. Thus, while adjudicating whether a FIR or criminal proceeding is liable to be quashed, the High Courts must evaluate and weigh if the ends of justice would be served and justify the exercise of such inherent power. In the present case, the parties are family members, living in the same building. The parties have voluntarily settled the dispute. The complainant no longer wishes to pursue the present complaint and seeks quashing of the same. Even if trial is allowed to continue, there is a bleak/remote chance of conviction, given that the parties have resolved their dispute and do not want to pursue the present complaint.

6. Taking into consideration the totality of facts and circumstances of the case and in view of the statement made by the complainant, case FIR No. 435/2022 dated 25.04.2022 registered under Sections 354/506/34



IPC at PS Shalimar Bagh and all the proceedings emanating therefrom are quashed.

7. The present petition stands disposed of.

DINESH KUMAR SHARMA, J

MAY 9, 2023

Pallavi

