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

+ **CRL.M.C. 4732/2023**

MUZAFFAR KHAN & ORS.

..... Petitioners

Through: Mr. Raj Kumar, Adv. through v/c.

versus

STATE & ANR.

..... Respondents

Through: Mr. Digam Singh Dagar, APP for the
State.

Mr. Mohd. Riyaz, Adv. with R-2.

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Date of Decision: 14.07.2023.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

CRL.M.A. 18098/2023

Exemption allowed subject to just exceptions.

CRL.M.C. 4732/2023

1. The present petition has been filed seeking quashing of case FIR No. 0084/2012 under Sections 324/341/34 IPC registered at PS Harsh Vihar, North-East Delhi.
2. The present FIR was lodged by Raj Mohd. S/o Deenu under Sections 324/341/34 IPC. It has been stated that both the parties are neighbours and with the intervention of respectable persons of

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the society both the parties have settled the matter in the 6th March, 2023. Compromise deed has been placed on record.

3. The parties state that now they have entered into a settlement with the following terms and conditions:

“1. That the first party has settled all the disputes amicably with the second party without any threats, pressure and coercion from any corner.

2. That there is no grievance between the parties in any manner and both the parties are maintaining cordial relations with each other and residing in the same vicinity.

3. That as such the first party does not want to proceed further in the aforesaid case FIR against the second party and the first party undertakes to cooperate the second party in getting the aforesaid FIR quashed from the Hon'ble High Court of Delhi at New Delhi.

4. That both the parties entered into this settlement deed of their own freewill and consent and without any kind of pressure, threats, or undue influence from any corner.”

4. IO is present in the court today and has duly identified the parties.
5. 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. I consider that the settlement will bring peace in the society and cordial relations between the parties.

6. Since the parties have reached on 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.
7. However, since the substantial time has been taken of the entire machinery, it is deemed fit that each of the petitioner and respondent no.2 shall plant 100 trees each within 12 weeks.
8. IO shall ascertain places from the Horticulture Department for the plantation of the trees.
9. IO shall also ensure that the same are taken care of properly.
10. I consider that there would be no purpose of continuing with the proceedings. The parties have amicably settled the matter. In the

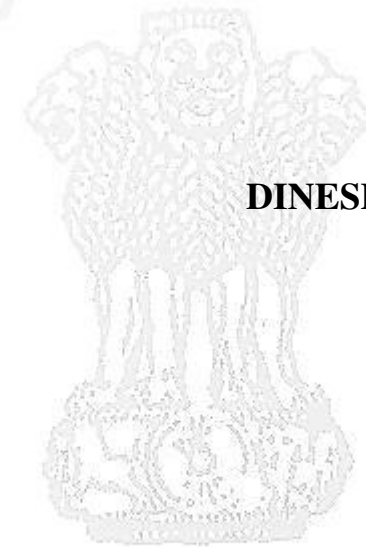


view of the above stated facts and circumstances, FIR No. 0377/2022 under Section 287/304A IPC registered at P.S. Harsh Vihar, New-Delhi and all the other proceeding emanating therefrom are Quashed.

11. The present petition stands disposed of.
12. Let the matter be listed before the Joint Registrar on 09.08.2023 for compliance.

JULY 14, 2023/AR

DINESH KUMAR SHARMA, J



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