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

+ CRL.M.C. 996/2019

12 RAKESH & ORS. Petitioners

Through: Mr. Shivam Choudhary, Advocate

versus

STATE & ORS. Respondents

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

+ CRL.M.C. 6713/2022

13 NANAK CHAND AND ORS. Petitioner

Through: Mr. Rakesh Kumar, Advocate.

versus

STATE AND ORS. Respondents

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

Mr. Shivam Choudhary, Advocate with R-2 and 3.

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Date of Decision: 25.05.2023.

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 seeking quashing of case FIR



No. 858/2016 dated 09/10/2016 registered at police station: Mukherjee Nagar, North-West, Delhi for the offences under section 452/323/324/34 of Indian Penal Code and FIR No. 927/2014 dated 01/08/2014 registered at police station: Mukherjee Nagar, North-West Delhi for the offences under section 323/354/34 of Indian Penal Code.

2. The FIR's No. 927/2014 and 858/2016 was lodged on the statement of Sharda/ Complainant and Umesh Kumar/ complainant respectively. The brief facts of the case are that the parties and their family members have been neighbours but unfortunately have been in litigation from last more than 4 years. They now want to forgo the past and wants to live harmoniously without disturbing the life of each other. Ms. Sharda is now married and has stated that due to some misunderstanding with the accused persons the connected FIR got registered.

3. Now the parties have reached on a settlement at Delhi Mediation Centre, Rohini Court, Delhi on 30th November 2017 with the following terms and conditions:

1)Both the parties have amicably settle their dispute unconditionally and without any monetary compensation. Both the parties want to put an end to the criminal proceedings in the present as well as connected matter, in accordance with law either by compounding the offences, if all the offences are so compoundable or by filing appropriate petition for quashing of



FIRs or by any other procedure in accordance with law.

2)It is settled between the parties that they would maintain harmonious relationship with each other in future and would not disturb or interfere in each other's lives.

4. The parties are present in person and they submitted that they have entered into the settlement at their own free will and without any fear, force or coercion. It is also stated that the complainant has entered into the settlement amicably and does not want to continue with the present petition.

5. IO has duly identified and states that there is no other case pending.

6. 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.

7. 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.

8. 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. 858/2016 dated 09/10/2016 registered at police station: Mukherjee Nagar, North-West, Delhi for the offences under section 452/323/324/34 of Indian Penal Code and FIR No. 927/2014 dated 01/08/2014 registered at police station: Mukherjee Nagar, North-West Delhi for the offences under section 323/354/34 of Indian Penal Code and all the other proceeding emanating therefrom are Quashed.

9. In view of the submissions the present petitions stand disposed of.



DINESH KUMAR SHARMA, J

MAY 25, 2023/AR