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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 03.04.2024

+ CRL.M.C. 329/2024

GAGAN GUPTA & ORS

..... Petitioners

Through: Ms.Pallavi Vashist, Advocate with
Petitioners-in-person.

versus

THE STATE AND ANR.

..... Respondents

Through: Ms.Kiran Bairwa, APP for State with
SI Achla Rani, PS Paschim Vihar
West.
Mr.Aman Sharma, Advocate with
respondents No.2 & 3 in person.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

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J U D G M E N T

ANOOP KUMAR MENDIRATTA, J (ORAL)

1. Petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioners for quashing of FIR No. 180/2022 under Sections 323/354/509/34 IPC registered at P.S.: Paschim Vihar West.
2. In brief, as per the case of the prosecution, on 18.01.2022, a PCR call was received vide DD Nos.125 & 126A regarding some quarrel which was marked to ASI Jaiveer. Later, a written complaint dated 20.01.2022 was handed over by respondent No.2 who alleged that on 18.01.2022 at about 10 pm, on an altercation with their neighbour Gagan Gupta (petitioner No.1),



her husband was assaulted. As respondent No.2 intervened, in order to save her husband, she alongwith her husband was also assaulted by accused. Present FIR was accordingly registered on 20.01.2022.

It is also pointed out that a cross FIR No.569/2022 under Sections 506/509 IPC was registered at instance of wife of petitioner No.1, at P.S.: Paschim Vihar West.

3. Learned counsel for the petitioners submits that matter has been amicably settled between parties in terms of Compromise Deed dated 20.10.2023 and offences under Sections 506/509 IPC in FIR No.569/2022 has been compounded by the learned Trial Court. It is further submitted that though Gautam Kharbanda (husband of respondent No.2) has not been inadvertently arrayed as a party in the proceedings, he is present in person and confirms the settlement between the parties.

4. Learned APP for the State submits that in view of amicable settlement between the parties, the State has no objection in case the FIR in question is quashed.

5. Petitioners as well as respondent No. 2 alongwith her husband are present in person and have been identified by SI Achla Rani, P.S.: Paschim Vihar West. I have interacted with the parties and they confirm that the matter has been amicably settled between them without any threat, pressure or coercion. Respondent No. 2 also states that nothing remains to be further adjudicated upon between the parties and they have no objection in case the FIR in question is quashed.

6. Petitioners in the present case seeks to invoke the powers under Section 482 of Code of Criminal Procedure. The same is to be used to secure the ends of justice or to prevent the abuse of process of Court. In which



cases, the power to quash the criminal proceedings or the complaint or FIR may be used when the offender as well as victim have settled their dispute, would depend upon the facts and circumstances of each case and no generalised list or categories can be prescribed. However, the Court is required to give due regard to the nature and gravity of the offence and consider the impact on the society.

7. The genesis of incident appears to be over a minor issue. Parties being neighbor intend to put quietus to the proceedings and move forward in life. Considering the facts and circumstances, since the matter has been amicably settled between the parties, no useful purpose shall be served by keeping the case pending. Continuation of proceedings would be nothing but an abuse of the process of Court. Consequently, FIR No. 180/2022 under Sections 323/354/509/34 IPC registered at P.S.: Paschim Vihar West and the proceedings emanating therefrom stand quashed.

Petition is accordingly disposed of. Pending applications, if any, also stand disposed of.

ANOOP KUMAR MENDIRATTA, J.

APRIL 03, 2024/v