



2024:DHC:5915



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 08.08.2024

+ CRL.M.C. 488/2024, CRL.M.A. 1941/2024

PRABHU DAYAL AND OTHERS

..... Petitioners

Through: Mr. Hardik Sharma, Advocate with
Petitioners-in-person.

versus

THE STATE AND ANR.

..... Respondents

Through: Ms. Manjeet Arya, APP for State with
SI Braham Parkash, PS: Sultanpuri.
Mr. Kuldeep Kumar, Advocate for R-2
with R-2-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. 0346/2019, under Sections 323/354/354B/506/34 IPC, registered at P.S.: Sultanpuri and proceedings emanating therefrom. Sections 341/354A/509 IPC were subsequently invoked.

2. In brief, as per the case of the prosecution, present FIR was registered on complaint of respondent No. 2, on 02.04.2019, who alleged that on 29.03.2019, when she along with her brother Akshay Kumar and their parents came to the park behind Kali Mata Mandir, Near Jalebi Chowk for resolving matrimonial disputes between her brother Akshay Kumar and sister-in-law Kamlesh (sister of petitioners), family members of Kamlesh started abusing them. Further, they were also assaulted by petitioners who



are brothers of her sister-in-law (Kamlesh). Respondent No. 2 further alleged that people from the park intervened and helped the petitioners to escape.

3. Learned counsel for petitioners submits that the incident is a consequence of matrimonial disputes between Akshay Kumar (brother of respondent No. 2) and Kamlesh (sister of petitioners), which have since been amicably settled.

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

5. Petitioners in the present case seek to invoke the powers under Section 482 of the 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 generalized 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.

6. It may also be observed that heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot be appropriately quashed despite settlement. However, distinguished from serious offences, the offences which have predominant element of civil dispute or offences involving minor incidents, where the complainant / victim also stands compensated for loss, if any, stand on a different footing, so far as exercise of inherent powers under Section 482 Cr.P.C. is concerned. The High Court also is not foreclosed from examining as to whether there



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exists material for incorporation of such an offence or as to whether there is sufficient evidence which if proved would lead to proving the charge for the offence charged with. It may also be assessed, if in view of compromise between the parties, the possibility of conviction in such a case is remote and whether continuation of proceedings would cause grave oppression and prejudice the accused.

7. Petitioners and respondent No. 2 are present in person and have been identified by SI Braham Parkash, PS: Sultanpuri. 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 alongwith her brother submit that since all the disputes between the parties have been amicably settled, they have no further grievance in this regard and have no objection in case FIR in question is quashed.

8. Petitioners and respondent No. 2 intend to put quietus to the proceedings arising out of matrimonial differences between Akshay Kumar (brother of respondent No. 2) and Kamlesh (sister of petitioners). The settlement shall promote harmony between the parties and permit them to move forward in life. Also the chances of conviction are bleak in view of amicable settlement between the parties. Further, no past involvement of the petitioners has been brought to the notice of this Court.

9. 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. 0346/2019, under Sections 323/341/354/354A/354B/506/509/34 IPC, registered at PS: Sultanpuri and proceedings emanating therefrom stand quashed.



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10. In the facts and circumstances, instead of imposing the costs upon the petitioners, they are directed to plant 20 saplings of Neem / Jamun trees each, which are upto 03 feet in height in the area of Sultanpuri after getting in touch with the competent authority (i.e. Horticulture Department of MCD / DDA/ Conservator of Forests, Department of Forests & Wildlife, Govt. of NCT of Delhi) through IO / SHO, PS: Sultanpuri. The photographs of planted saplings alongwith report of IO / SHO concerned shall be forwarded to this Court within eight weeks. Further, the upkeep of the saplings / trees shall be undertaken by the authorities concerned. In case of non compliance of directions for planting of trees, the petitioners shall be liable to deposit cost of Rs. 20,000/- each with the Delhi State Legal Services Authority.

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

A copy of this order be forwarded to learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J.

AUGUST 08, 2024/R