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

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Date of Decision: 21.03.2024

+ CRL.M.C. 513/2024

PRAVEEN KUMAR @ PARVEEN KUMAR & ANR. Petitioners

Through: Mr. Kunwer Pal Singh, Advocate with
Petitioners-in-person.

versus

STATE GOVT OF NCT DELHI AND ORS. Respondents

Through: Ms. Kiran Bairwa, APP for State with
SI Sachin, PS: Khajuri Khas.
Mr. Anish Kumar, Adv. for R-2 to 4
with R-2 to R-4-in-person.

+ CRL.M.C. 1165/2024

MEWA RAM AND ORS. Petitioners

Through: Mr. Anish Kumar, Advocate with
Petitioners-in-person.

versus

THE STATE (G.N.C.T. OF DELHI) AND ORS. Respondents

Through: Ms. Kiran Bairwa, APP for State with
SI Sachin, PS: Khajuri Khas.
Mr. Kunwer Pal Singh, Advocate for
R-2 & R-3 with Respondent Nos. 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. (i) CRL.M.C. 513/2024 under Section 482 the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioners for quashing of FIR No. 1148/2015 under Sections 308/323/427/34 IPC



registered at P.S.: Khajuri Khas, Delhi (ii) CRL.M.C. 1165/2024 has been preferred on behalf of the petitioners for quashing of FIR No. 1149/2015, under Sections 341/323/506/34 IPC registered at P.S.: Khajuri Khas, Delhi and the proceedings emanating therefrom.

2. In CRL.M.C. 513/2024, as per the case of prosecution, complainant Ramkishan / respondent No. 2 alleged that on 22.10.2015, a boy was misbehaving with one of the customers outside his shop, on which there was an altercation. Thereafter, at around 10:00 PM, accused Praveen Kumar s/o Sheesh Ram (petitioner No. 1), Parveen Kumar s/o Ganga Ram (petitioner No. 2) and Sunil Kumar s/o Ganga Ram came to his shop, armed with rods / sticks and started assaulting him and his family members, and also vandalized the shop. FIR No. 1148/2015 was accordingly registered. Chargesheet is stated to have been filed after investigation.

3. In CRL.M.C. 1165/2024, as per the case of prosecution, complainant Parveen Kumar / respondent No. 2 alleged that on 22.10.2015 at around 10:00 PM, when he reached near the shop of Mewa Ram on his way back to home, after closing his shop, he met his nephews Bhanu and Prince, who had been assaulted. Further, complainant was encircled and assaulted by Mewa Ram, Ram Kishan and Deepa (petitioner Nos. 1 to 3). Further, when his brothers, namely Praveen and Sunil both s/o Ganga Ram, tried to intervene, they were also beaten by the accused. FIR No. 1149/2015 was accordingly registered. Chargesheet is also stated to have been filed.

4. Learned counsel for the petitioners as well as respondents in the respective petitions submit that cross-cases stand registered with respect to said incident. It is urged that both petitioners as well as respondents, aged between 38 to 74 years, are staying in same neighbourhood and have clean



past antecedents. The disputes are stated to have been amicably settled between the parties as per Settlement Deed dated 06.12.2023.

5. 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.

6. Parties are present in person and have been identified by SI Sachin, PS: Khajuri Khas, Delhi. I have interacted with the parties and they confirm that the disputes have been amicably settled between them without any threat, pressure or coercion. They have no objection in case the FIR in respective cases is quashed.

7. Petitioners in both cases seek 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 any 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.

Principles for quashing of FIR have been delineated in *Gian Singh vs. State of Punjab & Anr.*, (2012) 10 SCC 303 and *Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur & Ors. vs. State of Gujarat & Anr.*, (2017) 9 SCC 641. Predicated on settlement between the parties, FIRs under similar sections have been quashed in '*Laxman Karotia & Ors. vs. The State NCT of Delhi & Ors.*', CRL.M.C. 813/2024 decided on 16.02.2024 by Co-ordinate Bench of this Court and '*Amit Kumar & Ors. vs. State & Ors.*'.



CRL.M.C. 2106/2024, decided on 15.03.2024 by this Court.

8. Parties intend to put quietus to the proceedings and move forward in life. Considering the facts and circumstances, since the matters have been amicably settled between the parties, who reside in same neighbourhood, no useful purpose shall be served by keeping the case pending. Continuation of proceedings would be nothing but an abuse of the process of the Court. Consequently, FIR No. 1148/2015 under Sections 308/323/427/34 IPC registered at P.S.: Khajuri Khas, Delhi and FIR No. 1149/2015 under Sections 341/323/506/34 IPC registered at P.S.: Khajuri Khas, Delhi and the proceedings emanating therefrom stand quashed.

Petitions are accordingly disposed of. Pending applications, if any, also stand disposed of.

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

A copy of this order be kept in connected petition.

ANOOP KUMAR MENDIRATTA, J.

MARCH 21, 2024/R