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

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Date of Decision: 04.04.2024

+ CRL.M.C. 635/2024 & CRL.M.A. 2646/2024

SUNNY TIWARI AND ANR.

..... Petitioners

Through: Mr. Satyam Thareja, Mr. Kunal Aggarwal and Mr. Pratyaksh Sikodia,
Advocates with Petitioners-in-person.

versus

STATE OF NCT OF DELHI AND ANR.

..... Respondents

Through: Ms. Kiran Bairwa, APP for State with
SI Parvesh, PS: Sangam Vihar.
Ms. Smriti Sinha, 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. 0488/2021, under Sections 308/34 IPC, registered at P.S.: Sangam Vihar and proceedings emanating therefrom.
2. In brief, as per the case of the prosecution on 23.09.2021 a PCR call was received regarding an incident of quarrel at P.S.: Sangam Vihar vide DD No. 91. On reaching the spot, it was revealed that a quarrel had taken place and injured Rajiv (respondent No. 2) had been shifted to the hospital. Thereafter, information was received regarding admission of respondent No.2 in the hospital, wherein he was undergoing treatment.
3. On 23.09.2021, statement of injured/complainant was recorded, who



alleged that while riding his motorcycle, some mud flung from the tyres and soiled the clothes of petitioner No.1 who was standing nearby, which led to an altercation. Complainant was thereafter assaulted by Sunny Tiwari (petitioner No. 1) with a wooden stick, which was handed over by co-accused Bobby Tiwari (brother of Sunny/petitioner No.2). FIR was accordingly registered under Sections 308/34 IPC.

4. Learned counsel for the petitioners submits that the matter has been amicably settled between the parties vide settlement deed dated 12.01.2024, which took place at the spur of moment. Respondent No.2 is also stated to have been duly compensated by the petitioners. It is pointed out that petitioners are aged about 23/24 years and have clean past antecedents.

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. Petitioners 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 the 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



Section 308/34 IPC 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.

7. Petitioners as well as respondent No. 2 are present in person and have been identified by SI Parvesh, PS: Sangam Vihar, Delhi. 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 she has no objection in case the FIR in question is quashed.

8. Parties intend to put quietus to the proceedings and move forward in life. The incident occurred over a minor issue at the spur of moment and does not have a serious impact on the society. The settlement shall promote harmony between the parties. Even otherwise, in view of settlement, the chances of conviction are bleak. 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.0488/2021, under Sections 308/34 IPC, registered at P.S.: Sangam Vihar and proceedings emanating therefrom stand quashed.

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

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

ANOOP KUMAR MENDIRATTA, J.

APRIL 04, 2024/R