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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 09.02.2024

+ CRL.M.C. 1067/2024

ARCHANA GOSWAMI

..... Petitioner

Through: Mr. Gopesh Tripathi, Advocate with
Petitioner-in-person.

versus

GOVT OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Manoj Pant, APP for State with
W/SI Nidhi Yadav, PS: Preet Vihar.
Mr. Rishabh Dubey and Ms. Nidhi
Agarwal, Advocates for R-2 with
respondent No. 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)

CRL.M.A. 4249/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 1067/2024

1. Petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for quashing of FIR No. 0172/2020, under Section 289 IPC registered at P.S.: Preet Vihar, Delhi and the proceedings emanating therefrom.

2. Issue notice. Learned APP for the State and learned counsel for



respondent No. 2 along with respondent No. 2 in person appear on advance notice and accept notice.

3. In brief, as per the case of the petitioner, FIR No. 0172/2020 was registered on the statement of Nidhi Aggarwal (respondent No. 2), who alleged that she is a resident of the premises No. A- 58, 2nd floor, Preet Vihar, Delhi and on 03.09.2020, she had boarded the lift installed in the premises to proceed towards the ground floor. However, the lift reached the 3rd floor and as the door of the lift opened, a dog belonging to petitioner without leash, entered the lift and attacked / bit the complainant on several places on her right arm. The owner of the dog, Ashok Goswami came running down from his house and saved the complainant. Further, she was treated at Malik Redix Health Care Hospital, Nirman Vihar by Ashok Goswami (husband of the petitioner).

4. Learned counsel for the petitioner submits that the matter has been settled between the parties in terms of settlement deed dated 02.02.2024. It is further stated that incident was unintentional, since the lift reached 3rd floor instead of ground floor, wherein complainant was attacked by the dog.

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. Petitioner as well as respondent No. 2 are present in person and have been identified by SI Nidhi Yadav, PS: Preet 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 in order to maintain harmonious relations with the petitioner, who is also residing on the 3rd floor of the same building, she does not wish



to pursue the proceedings and has no objection in case the FIR in question is quashed.

7. Petitioner 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 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 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.

8. Parties 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. 0172/2020, under Section 289 IPC registered at P.S.: Preet Vihar, Delhi and the proceedings emanating therefrom stand quashed.

Petition is accordingly disposed of. Pending application, if any, also stands disposed of.

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

ANOOP KUMAR MENDIRATTA, J.

FEBRUARY 09, 2024/R