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

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Date of Decision: 15.04.2024

+ CRL.M.C. 962/2024, CRL.M.A. 3859/2024

ROHIT PAL SINGH

..... Petitioner

Through: Mr. Navlendu Kumar, Advocates with
Petitioner-in-person.

versus

STATE NCT OF DELHI & ANR.

..... Respondents

Through: Ms. Kiran Bairwa, APP for State with
Insp. Rishi Sharma and SI Sanjeet
Rana, PS: Safdarjung Enclave.
Mr. Manish Kumar and Mr. Sumish
Kumar, Advocates for R-2 with
Respondent No. 2-in-person.
Mr. Dalip Kumar Santoshi and
Mr. Vipin Kumar, Advocates.

+ CRL.M.C. 968/2024, CRL.M.A. 3866/2024

**SANJEEV VIDHURI @ SANJEEV KUMAR BIDHURI
AND ORS.**

..... Petitioners

Through: Mr. Manish Kumar and Mr. Sumish
Kumar, Advocates with Petitioner
Nos. 1 & 2 in-person and Petitioner
No. 3 through VC.

versus

STATE NCT OF DELHI & ORS.

..... Respondents

Through: Ms. Kiran Bairwa, APP for State with
Insp. Rishi Sharma and SI Sanjeet
Rana, PS: Safdarjung Enclave.
Mr. Navlendu Kumar, Advocates 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. 962/2024 under Section 482 the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for quashing of FIR No. 0262/2017, under Sections 323/341/506 IPC, registered at P.S.: Safdarjung Enclave (ii) CRL.M.C. 968/2024 has been preferred on behalf of the petitioners for quashing of FIR No. 0036/2018, under Sections 323/506/509 IPC, registered at P.S.: Safdarjung Enclave and proceedings emanating therefrom.

2. As per the case of prosecution, in CRL.M.C. 962/2024, FIR No. 0262/2017 was registered on complaint of respondent No. 2 (Sanjeev Vidhuri), who alleged that after having dinner when he was taking out his vehicle no. DL8CZ8174 from the parking lot, driver of vehicle No. UP16AK9922 started abusing and misbehaving with him. Further, the driver of aforesaid vehicle/petitioner threatened to kill respondent no. 2 with a dagger on which he called on 100 number to the police.

3. In CRL.M.C. 968/2024, as per the case of prosecution, FIR No. 0036/2018 was registered on complaint of respondent Nos. 2 & 3, who alleged that petitioners armed with weapons assaulted them.

4. Learned counsel for the petitioners as well as respondents submits that cross-cases stand registered with respect to same incident and had occurred on the spur of the moment over a minor issue. Further no injuries were inflicted on either side. It is submitted that petitioners in both cases have clean past antecedents. The disputes are stated to have been amicably settled between the parties vide settlement deed dated 23.12.2023.

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 in both cases present in person except Sachin Baishla (Petitioner No. 3 in CRL.M.C. 968/2024) who has joined through VC, have been identified by SI Sanjeet Rana, P.S. Safdarjung Enclave, 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 and have no objection in case the respective FIRs are quashed.

7. Petitioners in the both the cases 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.

8. The incident appears to have occurred over a minor issue and resulted in cross FIRs. Parties intend to put quietus to the proceedings and move forward in life. The chances of conviction are bleak in view of settlement between the parties and no purpose shall be served by keeping the proceedings pending. No past involvements of petitioners have been brought to notice of this Court. The settlement shall further promote harmony between the parties.

9. Keeping in view the totality of the facts and circumstances of the case, this court is of the opinion that the continuity of proceedings would be an



abuse of process of court. Consequently, FIR No. 0262/2017, under Sections 323/341/506 IPC, registered at P.S.: Safdarjung Enclave and FIR No. 0036/2018, under Sections 323/506/509 IPC, registered at P.S.: Safdarjung Enclave 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 and compliance.

A copy of this order be kept in connected petition.

ANOOP KUMAR MENDIRATTA, J.

APRIL 15, 2024/R