



2024:DHC:5121



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 11.07.2024

+ CRL.M.C. 1148/2024

AJAY AND OTHERS

..... Petitioners

Through: Mr.Arun Kumar, Ms.Vaishali,
Mr.Anil Kumar and Ms.Deepika,
Advocates with petitioners in person.

versus

STATE AND ANR.

.... Respondents

Through: Ms.Kiran Bairwa, APP for State with
SI Vivek Kumar, P.S. Gandhi Nagar.
Mr.Deepak Kumar and Mr.Musheer
Khan, Advocates 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)**

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. 0343/2019, under Sections 498A/406/34 IPC registered at P.S.: Gandhi Nagar and proceedings emanating therefrom. Chargesheet has been filed under Sections 498A/406/376/34 IPC.
2. In brief, as per the case of the petitioners, marriage between petitioner No.1 and respondent No. 2 was solemnized according to Hindu rites and ceremonies on 26.02.2014. Two children were born out of the wedlock who are presently in custody of petitioner No.1. Due to temperamental differences, petitioner No.1 and respondent No.2 started living separately.



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On complaint of respondent No. 2, present FIR was registered on 29.10.2019.

3. The disputes are stated to have been amicably settled between the parties vide Settlement dated 02.12.2022 and 10.11.2023. The marriage between petitioner No. 1 and respondent No. 2 has been dissolved by decree of divorce dated 05.10.2023, by way of mutual consent under Section 13B(2) of the Hindu Marriage Act.

4. Balance amount of Rs.30,000/- has been paid to respondent No.2 today through DD No.742269 dated 18.05.2024 drawn on Punjab National Bank, Slak Inter College, Miranpur, Muzaffarnagar, U.P. Branch in favour of respondent No.2.

5. Learned counsel for the petitioners submits that during the course of investigation, a supplementary statement of the prosecutrix was recorded on 15.04.2022 to the effect that allegations of rape were leveled by her against brothers-in-law under pressure, though no such act was committed by them, as the same was disclosed to the doctor at the time of medical examination.

IO confirms the same, though chargesheet is stated to have been filed invoking Section 376 IPC. The same is also confirmed by respondent No.2/prosecutrix who is present in person and submits that in view of amicable settlement between the parties she has no objection for quashing of FIR and allegations arise out of matrimonial differences.

6. 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.

7. 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.

8. 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 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.

9. Petitioners and respondent No. 2 are present in person and have been identified by SI Vivek Kumar, P.S.: Gandhi Nagar. 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



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she has no objection in case the FIR in question is quashed.

10. Petitioners and respondent No.2 intend to put quietus to the proceedings arising out of matrimonial dispute. 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. Admittedly, as disclosed in the MLC, respondent No.2 stated at the time of medical examination on 15.04.2022 that no sexual assault had occurred but her father wanted to file the complaint for sexual assault.

11. 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. 0343/2019, under Sections 498A/406/376/34 IPC registered at P.S.: Gandhi Nagar and the proceedings emanating therefrom stand quashed.

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.

JULY 11, 2024/v