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

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Date of Decision: 20.03.2024

+ W.P.(CRL.) 504/2024

SUMIT

..... Petitioner

Through: Mr.Hari Shankar, Advocate with  
Petitioner-in-person.

versus

STATE OF NCT OF DELHI & ANR.

.... Respondents

Through: Ms.Rupali Bandhopadya, ASC for  
State with Mr.Abhijeet Kumar,  
Advocate alongwith SI Ravi Shankar,  
PS Patel Nagar.  
Respondent No.2-in-person with her  
counsel.

**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 Article 226 of the Constitution of India read with 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. 265/2021, under Section 380 IPC, registered at P.S.: Patel Nagar.
2. Issue notice. Learned APP for the State and learned counsel for respondent No.2 alongwith respondent No.2 in person appear on advance notice and accept notice.
3. In brief, as per the case of the prosecution, present FIR was registered on 30.06.2021 on the complaint of respondent No.2 who alleged that on 27.06.2021 her watch had been stolen and further cast suspicion on petitioner who had visited her house from Urban Clap. Later on, during the course of



investigation, the aforesaid watch was recovered at the instance of the petitioner and the charge-sheet was accordingly filed.

4. Learned counsel for the petitioner submits that the petitioner was aged about 22 years at the time of alleged offence and expresses remorse over the alleged incident. He further submits that the matter has been amicably settled with the complainant in terms of the Settlement Deed dated 25.06.2023 and the petitioner has clean past antecedent.

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 Ravi Shankar, P.S.: Patel Nagar. I have interacted with the parties and respondent No. 2 confirms that the matter has been amicably settled without any threat, pressure or coercion and she 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. 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 also been quashed by Co-ordinate Benches of this court in ***Rajiv Kumar v. State of NCT of Delhi & Ors.***, CRL.M.C. 1209/2016, decided on 28.03.2016, ***Danish Ahmed v. The State (Govt. of NCT of Delhi) & Anr.***, CRL.M.C. 3673/2015, decided on 11.12.2015, and ***Ravinder Kumar v. State Govt. of NCT of Delhi & Anr.***, CRL.M.C. 5196/2015, decided on 19.02.2016.

9. In view of compromise between the parties, the possibility of conviction in such a case is remote. 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. 265/2021, under Section 380 IPC, registered at P.S.: Patel Nagar and the proceedings emanating therefrom stand quashed.

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

**ANOOP KUMAR MENDIRATTA, J.**

**MARCH 20, 2024/v**