



2024:DHC:7860



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 09.10.2024

+ CRL.M.C. 1339/2024

LAL BAHADUR PANDEY @ SANTOSH PANDEYPetitioner

Through: Mr. Vidur Kamra, Advocate with
Petitioner-in-person.

versus

STATE OF NCT OF DELHI AND ANR.

.....Respondents

Through: Ms. Manjeet Arya, APP for State with
SI Rajnandini, P.S. Hauz Qazi 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. 27187/2024**

An application under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of petitioner No.1 for impleading 'SP' as petitioner No. 2 in present petition, since he was also allegedly apprehended and proceedings against him were separately initiated before the Juvenile Justice Board (JJB).

However, since proceedings against the juvenile are stated to have already been concluded, the application appears to be redundant and is not pressed by the learned counsel for petitioner.

Application is accordingly disposed of.

CRL.M.C. 1339/2024

1. Petition under Section 482 Cr.P.C. has been preferred on behalf of the



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petitioner for quashing of FIR No. 0111/2022, under Sections 380/411/34 IPC, registered at P.S.: Hauz Qazi and proceedings emanating therefrom.

2. Issue notice. Learned APP for the State alongwith Respondent No.2 appear on advance notice and accept notice.

3. In brief, as per the case of the prosecution, present FIR was registered on the complaint of Anil Kumar Sharma, who alleged that on 21.03.2022, a shopkeeper informed him that two boys had entered the warehouse on the first floor. Further, when he went inside the godown, he found that accused were carrying some goods in two bags, which contained some articles. Petitioner was apprehended and FIR was accordingly registered.

4. Learned counsel for the petitioner submits that since the co-accused was a juvenile at the time of incident, separate proceedings were initiated against him. He further submits that the alleged articles were not of much value and the matter has been amicably settled. He also points out that petitioner has clean past antecedents.

5. Respondent No. 2 along with complainant (Anil Kumar Sharma) are present in person and submit that they have no grievance against the petitioner in view of settlement, since the goods were not of much value and have no objection in case the FIR in question is quashed qua the petitioner,

6. Learned APP for the State informs that petitioner has clean past antecedents and in view of amicable settlement between the parties, 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



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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. 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. 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)*



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& 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.

10. Petitioner, respondent No. 2 and complainant (Anil Kumar Sharma) are present in person and have been identified by SI Rajnandini, P.S. Hauz Qazi. I have interacted with respondent No. 2 and complainant and they confirm that the matter has been amicably settled without any threat, pressure or coercion and have no objection in case the FIR in question is quashed qua the petitioner.

11. Petitioner, respondent No. 2 and complainant (Anil Kumar Sharma) intend to put quietus to the proceedings. The settlement shall promote harmony between the parties. Also the chances of conviction are bleak in view of amicable settlement between the parties. Further, no past involvement of the petitioner has been brought to the notice of this Court.

12. 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. 0111/2022, under Sections 380/411/34 IPC, registered at P.S.: Hauz Qazi and proceedings emanating therefrom qua the petitioner 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.

OCTOBER 09, 2024/R