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

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Date of Decision: 09.04.2024

+ CRL.M.C. 1346/2024

AYAN AHMED & ANR.

..... Petitioners

Through: Mr. Mohd. Yasin, Mr. Shariq Nishar
and Mr. Yashovardhan Oza, Advs.
with Petitioners-in-person.

versus

GNCT DELHI & ANR.

..... Respondents

Through: Ms. Meenakshi Dahiya, APP with
Mr. Chaaitanya Jain and Mr. Bhanu
Pratap Singh, Advs. with SI Kailash,
PS: Shaheen Bagh.
Mr. Amit Chadha, Mr. Atin Chadha,
Ms. Smriti Shrivastava and
Ms. Aeshana Singh, Advocates for
respondent No. 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)

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. 339/2023 under Sections 354/354A/323/506/509/34 IPC registered at P.S.: Shaheen Bagh and proceedings emanating therefrom.

2. In brief, as per the case of the petitioners, present FIR was registered on the complaint of respondent No. 2 who alleged that on 27.09.2023 at about 11:30 PM, while she was returning home along with her husband on a



scooty, there was an altercation with the occupants of the car, who abused, threatened and assaulted her husband. Further, when she intervened to save her husband, she was molested.

3. Learned counsel for the petitioners submits that the matter has been amicably settled between the parties vide Settlement Deed dated 30.03.2024 and the nature of injuries alleged to have been suffered by the husband of complainant, is simple in nature.

4. 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.

5. Petitioner in the present case seeks 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.

6. 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, minor incidents or offences, which don't affect the society at large or are personal in nature, stand on a different footing, so far as exercise of inherent powers under Section 482 Cr.P.C. is concerned.

7. Petitioners as well as respondent No. 2 are present in person and have



been identified by SI Kailash, PS: Shaheen Bagh. 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 she has no objection in case the FIR in question is quashed.

8. On the face of record, incident appears to have occurred over a minor altercation of overspeeding of car by petitioners, who are college students and express remorse over the incident. In view of compromise between the parties, the possibility of conviction in such a case is remote and continuation of proceedings would cause oppression and grave prejudice to the accused. The settlement shall further promote harmony between the parties.

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. 339/2023 under Sections 354/354A/323/506/509/34 IPC registered at P.S.: Shaheen Bagh 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 the learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J.

APRIL 09, 2024/R