



2024:DHC:7499



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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 27.09.2024

+ W.P.(CRL) 656/2024

KARAN TEJPAUL &amp; ANR

.....Petitioners

Through: Mohd. Shahzeb Khan and Md. Shahid  
Anwar, Advocates with petitioners in  
person.

versus

STATE OF NCT OF DELHI AND ANR.

.....Respondents

Through: Mr.Yasir Rauf Ansari, ASC (Crl.) for  
State with Mr.Alok Sharma and  
Mr.Vasu Agarwal, Advocates with SI  
Kumari Soni, P.S. Farsh Bazar.  
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. Writ 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 petitioners for quashing of FIR No.0563/2023, under Sections 354A/506/509/34 IPC, registered at P.S.: Farsh Bazar.
2. In brief, as per the case of prosecution, present FIR was registered on 05.12.2022, on complaint of respondent No.2 who alleged that petitioners used to stalk and pass abusive comments, when she visited her parental home. Further when her brother approached petitioners to not to repeat such incident, petitioners under the influence of liquor assaulted her brother.
3. Learned counsel for the petitioners submits that petitioners and parents



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of respondent No.2 are neighbours and disputes have been amicably settled between the parties vide MoU dated 30.01.2024. He further submits that petitioners have clean past antecedents, regret any inappropriate behaviour.

4. Respondent No.2 (through VC) submits that disputes have been amicably settled between the parties and she has no objection for quashing of FIR, as the same shall promote harmony between the parties.

5. Learned ASC for the State submits that in view of amicable settlement between the parties, he has no objection in case the FIR in question is quashed.

6. 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.

7. 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



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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.

**8.** Petitioners and respondent No. 2 (through VC) have been identified by SI Kumari Soni, PS: Farsh Bazar. 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 she has no objection in case the FIR in question is quashed.

**9.** Petitioners and respondent No. 2 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 petitioners has been brought to the notice of this Court.

**10.** 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. It would be nothing but an abuse of the process of Court. Consequently, FIR No.0563/2023, under Sections 354A/506/509/34 IPC, registered at P.S.: Farsh Bazar and proceedings emanating therefrom stand quashed.

**11.** In the facts and circumstances, instead of imposing the costs upon the petitioners, they are directed to plant 25 saplings of Neem / Jamun trees each, which are upto 03 feet in height in the area of P.S.: Farsh Bazar after getting in touch with the competent authority (i.e. Horticulture Department



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of MCD / DDA/ Conservator of Forests, Department of Forests & Wildlife, Govt. of NCT of Delhi) through IO / SHO, P.S.: Farsh Bazar. The photographs of planted saplings alongwith report of IO / SHO concerned shall be forwarded to this Court within eight weeks. Further, the upkeep of the saplings / trees shall be undertaken by the authorities concerned. In case of non compliance of directions for planting of trees, the petitioners shall be liable to deposit cost of Rs. 25,000/- each with the Delhi State Legal Services Authority.

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**

**SEPTEMBER 27, 2024/v**