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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 02.05.2024

+ CRL.M.C. 1606/2024

OM KUMAR & ORS.

..... Petitioners

Through: Mr. Basant Kumar Gautam, Advocate
with petitioners-in-person.

versus

THE STATE (NCT OF DELHI) & ORS.

..... Respondents

Through: Ms. Kiran Bairwa, APP for State with
WSI Rani Jasal (IO) and SI Braham
Prakash, PS: Sultanpuri.
Mr. Vijay Kumar and Mr. Harsh Dua,
Advocates with Respondent Nos. 2 to
4 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. 13334/2024

An application under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioners for impleading Sh. R.S. and Sh. K., as necessary party to the petition, as they are also alleged to have been assaulted in the incident.

Allowed.

Application is accordingly disposed of.

CRL.M.C. 1606/2024

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. 0191/2015 under Sections 323/354/452/506/34 IPC registered at



P.S.: Sultanpuri and the proceedings emanating therefrom.

2. In brief, as per the case of the prosecution, Respondent No. 2 alleged that on 23.02.2015 at about 07:00 PM, her neighbours, his brother, his wife and nephew attacked her carrying bricks and iron rods in their hands and also molested her by touching her inappropriately. She further alleged that when her brother and father came to rescue, they were also assaulted. On complaint of Respondent No. 2, FIR was accordingly registered under Sections 354/354/ 452/506/34 IPC.

3. Learned counsel for the petitioners submits that the matter has been amicably settled between the parties, who are neighbours, in terms of Memorandum of Settlement dated 15.02.2024. It is further submitted that petitioners have clean past antecedents, except for another FIR between same parties, relating to offence under Section 506/34 IPC, which has been amicably settled. It is pointed out that the nature of injuries is opined to be simple. Further respondent No. 2 has been compensated. Smt. S, R. S. and K. are also stated to have been impleaded, since they suffered some minor injuries in the incident.

4. Out of total amount of Rs. 51,000/-, balance amount of Rs. 26,000/- has been paid to respondent No. 2 today through DD No. 435972 dated 22.02.2024 drawn on Punjab National Bank, Paschim Vihar West, New Delhi Branch.

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. Petitioners in the present case seek 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 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.

7. It may also be observed that heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot be 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. 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.

8. Petitioners and Respondent No. 2 are present in person and have been identified by SI Braham Prakash, P.S.: Sultanpuri. 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 submits that all the disputes between the parties have been amicably settled and she has no further grievance in this regard.



9. Parties being neighbours 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.

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. 0191/2015 under Sections 323/354/452/506/34 IPC registered at P.S.: Sultanpuri and the proceedings emanating therefrom stand quashed.

Petitioners are further directed to plant 50 saplings of trees, which are upto 03 feet in height in the local parks in the residential area within jurisdiction of P.S.: Sultanpuri, Delhi after getting in touch with the competent authority (i.e. Horticulture Department of MCD / DDA / Conservator of Forests, Department of Forests & Wildlife, Govt. of NCT of Delhi) through IO / SHO, P.S.: Sultanpuri. 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/- 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.

MAY 02, 2024/R