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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 13.03.2024

+ CRL.M.C. 1872/2024, CRL.M.A. 7124/2024

ANUJ MANI YADAV

..... Petitioner

Through: Mr.Sanjay Kumar, Ms.Vanita Singh,
Mr.Tarun, Mr.Akhya, Mr.Ritwick Raj
Chandra and Mr.Himanshu Yadav,
Advocates alongwith petitioner in
person.

versus

STATE OF NCT OF DELHI & ORS.

.... Respondents

Through: Ms.Kiran Bairwa, APP for State with
ASI Rajender Kumar, PS: North
Avenue.
Respondent No.3 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 petitioner for quashing of FIR No. 43/2020, under Sections 283/290/506 IPC registered at P.S.: North Avenue and proceedings emanating therefrom.
2. In brief, present FIR was registered on 23.09.2020 on complaint of Sh. Kishore Kumar, learned MM at the relevant time, wherein he alleged that while he visited Dr. RML Hospital, New Delhi in connection with admission of his nephew, he noticed that petitioner was indiscriminately honking in Creta car with temporary No.UP-80PC-0683. Since area of Dr. RML



Hospital is a silence zone, conduct of petitioner was also objected to by a police official. However, petitioner misbehaved and abused claiming to be a doctor at Dr.RML Hospital and also extended threat. FIR was accordingly registered under Sections 283/290/506 IPC for obstructing public way, creating public nuisance and extending threat.

3. Petitioner expresses remorse over the incident and has further apologized to the complainant for aforesaid unintentional conduct in an alleged verbal altercation with the complainant. He further submits that he was deputed as a resident doctor and aged about 24 years at the relevant time. It is urged that present FIR will remain as a blot on his spotless career and as such prays for quashing of FIR in view of settlement between the parties.

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 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.

6. Petitioner has been identified by ASI Rajender Kumar, PS: North Avenue. I have interacted with the parties.



7. Respondent No.2 does not wish to proceed with the FIR in view of minor nature of incident and oral apology tendered by the petitioner. In view of amicable settlement over minor nature of altercation and no objection by respondent No.2 for quashing of FIR, nothing remains to be further adjudicated upon between the parties.

8. Considering the facts and circumstances, 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. 43/2020, under Sections 283/290/506 IPC registered at P.S.: North Avenue 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 13, 2024/v