



2024:DHC:8013



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

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Date of Decision: 16.10.2024

+ **CRL.M.C. 2020/2024****SHREYAS TIWARI & ORS.**

.....Petitioners

Through: Mr. Nirmal Sharma and Mr. Aditya
Dixit, Advs. alongwith petitioners in
person.

versus

THE STATE NCT OF DELHI & ANR.

.....Respondents

Through: Ms. Manjeet Arya, APP for the State
with SI Arisal, PS Vasant Vihar.
Mr. Mukul Mehra & Mr. Pawan
Yadav, Advs. for Respondent no. 2
alongwith R-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. 376/2018 under Sections 498A/406/354D/34 IPC registered at P.S.: Vasant Vihar and proceedings emanating therefrom.
2. In brief, as per the case of the petitioners, marriage between petitioner No.1 and respondent No. 2 was solemnized according to Hindu Rites and ceremonies on 04.12.2017. No child was born out of the wedlock. Due to matrimonial differences, petitioner No.1 and respondent No. 2 started living

CRL.M.C. 2020/2024**Page 1 of 4**



2024:DHC:8013



separately. On complaint of respondent No. 2, present FIR was registered on 26.10.2018.

3. The disputes are stated to have been amicably settled between the parties in terms of MoU dated 19.04.2023. The marriage between petitioner No. 1 and respondent No. 2 has been dissolved by decree of divorce by way of mutual consent under Section 13B(2) of the Hindu Marriage Act vide judgment dated 27.10.2023.

4. An amount of Rs. 2.00,000/- has been handed over to respondent No. 2 today through DD No. 192893 dated 02.09.2024 drawn on Central Bank of India, in favour of respondent No. 2.

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

6. Petitioners in the present case seek to invoke the powers under Section 528 of BNSS. 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



2024:DHC:8013



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 528 of BNSS 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. Petitioner no. 1 and respondent No. 2 in person; and petitioner no. 3 though VC, have been identified by SI Sachin Kumar, P.S.: Vasant Vihar. Presence of petitioner no. 2 is exempted. 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.

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



2024:DHC:8013



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. 376/2018 under Sections 498A/406/354D/34 IPC registered at P.S.: Vasant Vihar and proceedings emanating therefrom stand quashed.

Petition is accordingly disposed of. Pending applications, if any, also stand disposed of.

ANOOP KUMAR MENDIRATTA, J.

OCTOBER 16, 2024

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