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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 15.03.2024

+ CRL.M.C. 2106/2024

AMIT KUMAR & ORS.

..... Petitioners

Through: Mr. Amresh Kumar and Mr. Anmol Kumar, Advs. with petitioners no. 1 & 2 in person (petitioner no.3 Lalit Kumar through VC).

versus

STATE & ORS.

..... Respondents

Through: Ms. Kiran Bairwa, APP for State with SI Kailash Chand, PS Sagarpur.

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. 8191/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 2106/2024

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. 0171/2019, under Sections 308/323/341/34 IPC registered at P.S.: Sagarpur, Delhi and proceedings emanating therefrom.
2. Issue notice. Learned APP for State and respondent nos. 2, 3 & 4 in person appear on advance notice and accept notice.
3. In brief, as per the case of prosecution, present FIR was registered on



28.03.2019 under Sections 308/341/323/34 IPC on complaint of Deepak. Complainant alleged that he was initially abused by the mother of petitioners No.1 and 2 and when he objected to the same, he was assaulted by petitioner no. 1 (Amit) and petitioner no. 2 (Rohit). Thereafter, he was removed to his residence. Later on his brothers, respondent no. 3 (Manmohan) and respondent no. 4 (Jagdish @ Jagdeep), reached at spot and discussed the issue with petitioner no. 3 (Lalit). In the meantime, petitioner no. 1 (Amit) and petitioner no. 2 (Rohit) started pelting stones and thereafter they were assaulted by Rohit, Amit and Lalit.

4. Learned counsel for the petitioners submits that the petitioner no. 1 & 2 and respondents no. 2 to 4 are neighbours and the genesis of the incident was over a very minor issue, which culminated in an unfortunate incident. It is further submitted that the nature of injuries was opined to be simple. The disputes between the parties are stated to have been amicably resolved without any threat, pressure or coercion. It is further pointed out that so far as petitioner no. 3 (Lalit Kumar) is concerned, he is a practising Chartered Accountant and the other two petitioners also have clean past antecedents.

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. Petitioner no. 1 & 2 in person and petitioner no.3 Lalit Kumar through VC as well as respondent nos. 2, 3 & 4 and have been identified by SI Kailash Chand, P.S.: Sagarpur. 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 nos. 2, 3 & 4 state that nothing remains to be further adjudicated upon between the parties and they have no



objection in case the FIR in question is quashed.

7. 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 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.

Reliance may also be made to principles delineated in *Gian Singh vs. State of Punjab & Anr.*, (2012) 10 SCC 303 and *Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur & Ors. vs. State of Gujarat & Anr.*, (2017) 9 SCC 641. FIR has been quashed for similar offences, predicated on settlement between the parties, in '*Laxman Karotia & Ors. vs. The State NCT of Delhi & Ors.*'. Crl.M.C. 813/2024, decided on 16.02.2024 by a Co-ordinate Bench of this Court.

8. Parties intend to put quietus to the proceedings and move forward in life. Considering the facts and circumstances, since the matter has been amicably settled between the parties who are close neighbours, no useful purpose shall be served by keeping the case pending and continuation of proceedings would be nothing but an abuse of the process of the Court. Consequently, FIR No. 0171/2019, under Sections 308/323/341/34 IPC registered at P.S.: Sagarpur, Delhi 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.

MARCH 15, 2024/akc