



2024:DHC:7823



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 08.10.2024

+ CRL.M.C. 2235/2024

SH. MAGANJEET SINGH KHARA @ SUNDER
& ORS.

.....Petitioners

Through: Mr. Vivek Malhotra, Advocate with
Petitioners-in-person.

versus

STATE & ANR.

.....Respondents

Through: Mr. Satinder Singh Bawa, APP with
SI Sandeep Yadav, PS: Palam Village
with Respondent No. 2 through VC.

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. 0690/2015, under Sections 323/341/506/509/34 IPC, registered at PS: Palam Village, Delhi and proceedings emanating therefrom. Chargesheet has been filed under Sections 323/341/506/509/354/34 IPC.

2. In brief, as per the case of prosecution, present FIR was registered on complaint of respondent No. 2, who alleged that on 29.11.2015 when she went to her plot situated at Gali No. 5, Mahavir Enclave, Gali, New Delhi, she found that some persons were raising boundary wall on the plot. When she objected to the same, the said persons abused and assaulted her.

3. Learned counsel for petitioners submits that disputes between the



parties arose over construction of boundary wall on the plot, which has been amicably resolved in terms of settlement deed dated 12.03.2024. He further points out that petitioners have clean past antecedents.

4. Respondent No. 2 (through VC) submits that since the disputes have been amicably settled between the parties, she has no objection in case the FIR is quashed.

5. Learned APP 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



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 in person and respondent No. 2 through VC have been identified by SI Sandeep Yadav, PS: Palam Village. 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 submits that since all the disputes between the parties have been amicably settled, 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 arising out of construction of boundary wall around the plot. 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. Continuation of proceedings would be nothing but an abuse of the process of Court. Consequently, FIR No. 0690/2015, under Sections 323/341/506/509/354/34 IPC, registered at PS: Palam Village, Delhi and proceedings emanating therefrom stand quashed.

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



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stand disposed of.

A copy of this order be forwarded to learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J

OCTOBER 08, 2024/R