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

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Date of Decision: 20.03.2024

+ CRL.M.C. 2290/2024

YOGESH KUMAR KAAMRA

..... Petitioner

Through: Mr.Manish Srivastava, Advocate with
Petitioner-in-person.

versus

STATE GNCT OF DELHI AND ANR.

..... Respondents

Through: Ms.Kiran Bairwa, APP for State with
SI Himanshu, PS Jafrabad.
Ms.Mukta Arora, Advocate with
respondent No.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 petitioner for quashing of FIR No. 355/2019, under Section 354 IPC, registered at P.S.: Jafrabad and proceedings emanating therefrom. Charge-sheet has been filed under Sections 354/506/509 IPC.
2. Issue notice. Learned APP for the State and learned counsel for respondent No.2 alongwith respondent No.2 in person appear on advance notice and accept notice.
3. In brief, as per the case of the petitioners, present FIR was registered on 25.06.2019 on the complaint of respondent No.2 who alleged that on the aforesaid date she had visited Sahara India office wherein she was pushed



and abused by the petitioner during an altercation.

4. Learned counsel for the petitioner submits that the aforesaid FIR was registered on some misunderstanding over a minor issue and since a claim of respondent No.2 was pending with Sahara India, which has since been cleared. Petitioner is stated to be an employee at the said office and disputes are stated to have been settled between the parties vide Settlement Deed dated 27.05.2023.

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 as well as respondent No. 2 are present in person and have been identified by SI Himanshu, P.S.: Jafrabad. 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.

7. 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.

8. 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, minor incidents or offences stand on a different footing, so far as exercise of inherent powers under Section 482 Cr.P.C. is concerned.

9. On the face of record, incident appears to have occurred over a minor altercation over some payment/claim which respondent No.2 had with Sahara India. The petitioner was a mere employee and the incident allegedly happened over a minor altercation without any *mens rea*, or intention to commit offence as alleged. In view of compromise between the parties, the possibility of conviction in such a case is remote and continuation of proceedings would cause oppression and prejudice to the accused.

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. 355/2019, under Sections 354/506/509 IPC, registered at P.S.: Jafrabad 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 20, 2024/v