



2024 :DHC :5459



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 24.07.2024

+ CRL.M.C. 2378/2024

MANISH BAJAJ

..... Petitioners

Through: Mr.Himanshu Anand Gupta
(DHCLSC), Mr.Shekhar Anand Gupta
and Mr.Ishwar Raj Chandra,
Advocates with petitioner in person

versus

THE STATE (NCT OF DELHI) & ORS.

..... Respondents

Through: Ms.Kiran Bairwa, APP for State with
SI Pramod Kumar, P.S. Krishna
Nagar.

Ms.Gunjan Sinha Jain (DHCLSC),
Mr.Ashutosh Kaushik (DHCLSC),
Mr.Akshay Kumar and Mr.Rony John,
Advocates for respondent No.2 to 4 in
person.

+ CRL.M.C. 2041/2024

KUSUM KASHYAP @KIRAN & ORS.

..... Petitioners

Through: Ms.Gunjan Sinha Jain (DHCLSC) and
Mr.Akshay Kumar, Advocates with
petitioners in person

versus

THE STATE (NCT OF DELHI) & ORS.

..... Respondents

Through: Ms.Kiran Bairwa, APP for State with
SI Pramod Kumar, P.S. Krishna
Nagar.

Mr.Himanshu Anand Gupta
(DHCLSC), Mr.Shekhar Anand Gupta
and Mr.Ishwar Raj Chandra,



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Advocates with respondent No.2 and 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. CRL.M.C. 2378/2024 under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner (Manish Bajaj) for quashing of FIR No. 0288/2018, under Sections 323/341/354B/509/506/34 IPC registered on complaint of 'K' at P.S.: Krishna Nagar, Shahdara and proceedings emanating therefrom. Chargesheet has been filed under Sections 323/341/354/354B/ 509/506/34 IPC.
2. CRL.M.C. 2041/2024 under Section 482 Cr.P.C. has been preferred on behalf of the petitioners, 'K', 'A' and 'J' (respondent No.2, 3 and 4 in CRL.M.C. 2378/2024) for quashing of FIR No. 0289/2018, under Sections 323/452/506/34 IPC registered on complaint of Naina Bajaj at P.S.: Krishna Nagar, Shahdara and proceedings emanating therefrom. Chargesheet has been filed under Sections 323/380/452/506/34 IPC.
3. In brief, FIR No. 0288/2018 in CRL.M.C. 2378/2024 was registered on complaint of respondent No.2 ('K') who alleged that she is involved in arranging matrimonial alliances and had got alliance of Arjun Bajaj fixed against consideration of Rs.21,000/-. After the marriage was solemnized, 'K' was called on 12.11.2018 at about 3:00 pm to residence of Arjun. 'K' was accompanied by her daughter 'A' (respondent No.3) and 'J' (respondent No.4), wherein there was an altercation over payment of the consideration amount. Further, on objections raised by 'A', there was a scuffle in which modesty of 'A' and 'J' is alleged to be outraged. Further 'K' was also



threatened and assaulted by petitioner (Manish Bajaj).

4. FIR No. 0289/2018 in CRL.M.C. 2041/2024 was further registered as a cross case on complaint of Naina Bajaj (respondent No.2) who alleged that no dues were payable to 'K'. Further 'K', 'A' and 'J' assaulted them and threatened to implicate in a false rape case.

5. Learned counsel for the petitioners and respondents in respective cases submit that disputes between the parties were over a minor issue relating to consideration to be paid in respect of matrimonial alliance which is alleged to have been arranged through 'K'. The disputes are stated to have been amicably resolved between the parties in terms of MOU dated 16.01.2024.

6. Learned APP for the State submits that in view of amicable settlement between the parties, she has no objection in case the FIRs in question are quashed.

7. Petitioners in the present cases 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.

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, 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.

9. Parties are present in person and have been identified by SI Pramod Kumar, P.S. Krishna Nagar. I have interacted with the parties and they confirm that the matter has been amicably settled between them without any threat, pressure or coercion. Respondents in respective cross cases submit that since all the disputes between the parties have been amicably settled, they have no further grievance in this regard.

10. Parties intend to put quietus to the proceedings arising out of some differences over a minor issue relating to consideration to be paid in respect of matrimonial alliance. The settlement shall promote harmony between the parties and permit them to move forward in life. 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.

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



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an abuse of the process of Court. Consequently, FIR No. 0288/2018, under Sections 323/341/354/354B/509/506/34 IPC and FIR No. 0289/2018, under Sections 323/380/452/506/34 IPC, both registered at P.S. Krishna Nagar and proceedings emanating therefrom stand quashed.

Petitions are 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.

A copy of this order be kept in connected petition.

ANOOP KUMAR MENDIRATTA, J.

JULY 24, 2024/v