$~65 & 74

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

% Date of Decision: 22.03.2024

\+ CRL.M.C. 2391/2024

B & ORS ..... Petitioners

Through: Mr.Omkar Sharma, Advocate with Petitioners-in-person.

versus

THE STATE GOVT. OF NCT OF DELHI & ANR..... Respondents

Through: Ms.Kiran Bairwa, APP for the State with SI Harish Kumar, PS Chandni Mahal.

Mr.Abhishek, Advocate with respondent No.2-in-person.

\+ CRL.M.C. 2054/2024

MOHD.T ALIAS T & ORS. ..... Petitioners

Through: Mr.Abhishek, Advocate with Petitioner-in-person.

versus

THE STATE NCT OF DELHI & ANR. .... Respondents

Through: Ms.Kiran Bairwa, APP for the State with SI Harish Kumar, PS Chandni Mahal.

Mr.Omkar Sharma, Advocate with respondent No.2-in-person.

CORAM:
HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

% **J U D G M E N T**

ANOOP KUMAR MENDIRATTA, J (ORAL)

CRL.M.A. 9165/2024 in CRL.M.C. 2391/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

Signature Not Verified
Digitally Signed
By:DINESH CHANDRA
Signing Date:23.03.2024
19:10:00

CRL.M.C. 2391/2024 & CRL.M.C. 2054/2024

1. (i) CRL.M.C. 2391/2024 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. 250/2020, under Sections 323/341/354/452/509/34 IPC, registered at P.S.: Chandni Mahal and proceedings emanating therefrom.

(ii) CRL.M.C. 2054/2024 under Section 482 Cr.P.C. has been preferred on behalf of the petitioners for quashing of FIR No. 251/2020, under Sections 323/341/354/509/34 IPC, registered at P.S.: Chandni Mahal and proceedings emanating therefrom.

2. Issue notice in CRL. M.C. 2391/2024. 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. Notice already stands issued in CRL.M.C. 2054/2024.

3. In brief, as per the case of the petitioners, in CRL. M.C. 2391/2024 respondent No.2 who is the sister-in-law of petitioner No.1 (Ms. 'B' w/o 'T') lodged FIR No. 250/2020 against petitioner No. 1 (Ms. 'B') and her family members (Petitioner Nos. 2 to 5) on account of matrimonial differences. In CRL.M.C. 2054/2024, FIR No. 251/2020 was registered as a counter by Ms. 'B' against her husband 'T' and his family members arising out of same incident. Another FIR No. 45/2021, under Sections 498A/406/34 IPC was also registered at the instance of Ms. 'B' against her husband 'T', which has been separately quashed today vide order dated 22.03.2024 in CRL.M.C. 152/2024.

4. Learned counsel for the petitioners as well as respondents submit that

Signature Not Verified
Digitally Signed
By:DINESH CHANDRA
Signing Date:23.03.2024
19:10:00

both cases arise out of the same incident leading to the registration of cross FIRs. The disputes between the parties, are stated to have been amicably resolved vide Settlement Deed dated 18.09.2023 and both Ms. 'B' and 'T' have been residing together thereafter.

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

6. Parties are present in person and have been identified by SI Harish Kumar, P.S.: Chandni Mahal. I have interacted with them and they confirm that the matter has been amicably settled between them without any threat, pressure or coercion and nothing remains to be further adjudicated upon between them. They have no objection in case the FIRs in question are 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.

8. Considering the facts and circumstances, since the FIRs arise out of matrimonial disputes which have 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.

Signature Not Verified
Digitally Signed
By:DINESH CHANDRA
Signing Date:23.03.2024
19:10:00

Consequently, FIR No. 250/2020, under Sections 323/341/354/452/509/34 IPC, registered at P.S.: Chandni Mahal and FIR No. 251/2020, under Sections 323/341/354/509/34 IPC, registered at P.S.: Chandni Mahal and the 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 learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J.

MARCH 22, 2024/v

Signature Not Verified
Digitally Signed
By:DINESH CHANDRA
Signing Date:23.03.2024
19:10:00