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

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Date of Decision: 15.04.2024

+ CRL.M.C. 2401/2024

HARJEET SINGH & ANR.

..... Petitioners

Through: Mr. Gurbansh Singh and Mr. Avtar Singh, Advocates with Petitioners-in-person.

versus

THE STATE NCT OF DELHI AND ANR.

..... Respondents

Through: Mr. Ajay Vikram Singh, APP with SI Naresh Kumar, PS: Tilak Nagar.
Mr. Arjun Dhamija, Advocate for R-2 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 petitioners for quashing of FIR No. 0034/2015, under Sections 392/394/34 IPC registered at P.S.: Tilak Nagar and proceedings emanating therefrom.
2. In brief, as per the case of prosecution, present case was registered on 05.01.2015 at instance of respondent No. 2, who alleged that when he was buying some eggs from a shop, petitioners Harjeet Singh and Santokh Singh assaulted the complainant with a baseball stick. Meanwhile, petitioners were joined by one Trilok (who expired during the course of proceedings) and



allegedly caught hold the complainant from behind and injuries were inflicted to respondent No. 2. Respondent No. 2 further alleged that during the incident, his purse was also snatched. Chargesheet is stated to have been accordingly filed under Sections 392/394/34 IPC.

3. Learned counsel for the petitioners submits that both the petitioners as well as respondent No. 2 reside in the vicinity and are distant relatives. The matter is stated to have been amicably resolved between the parties in terms of settlement deed dated 23.02.2024.

4. Learned counsel for the petitioners submits that unfortunately a scuffle had taken place on the alleged day of incident and in the heat of the moment, some injuries appear to have been suffered by the complainant. It is contended that allegations of robbery are not made out as the parties were known to each other and had an altercation. It is submitted that purse may have dropped during the incident. It is further urged that amicable settlement between the parties shall further harmonise their relations and petitioners have clean past antecedents. It is also pointed out that petitioner No. 2 is delivering social services at Gurudwara Sri Bangla Sahib.

5. Respondent No. 2 submits that all the disputes between the parties have been amicably settled between the parties and he has no objection in case the FIR in question is quashed.

6. 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.

7. 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.

8. It may also be observed that heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot be quashed despite settlement. However, distinguished from serious offences, minor incidents or offences, which don't affect the society at large or are personal in nature, 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.

9. Petitioners and Respondent No. 2 are present in person and have been identified by SI Naresh Kumar, P.S.: Tilak Nagar, Delhi. 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 has no objection in case the FIR in question is quashed.

10. Petitioners and Respondent No. 2 being known to each other and distantly related, intend to put quietus to the proceedings and move forward in life. The facts and circumstances reflect that there was a scuffle in which respondent No. 2 was assaulted but the intention of robbery appears



to be remote. The chances of conviction are bleak in view of settlement between the parties. No past involvements of the petitioners have been brought to the notice of this Court. The settlement shall help to promote harmony between the parties.

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. 0034/2015, under Sections 392/394/34 IPC registered at P.S.: Tilak Nagar and 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.

APRIL 15, 2024/R