



2024:DHC:2403



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 22.03.2024

+ CRL.M.C. 2407/2024

AMIT KUMAR

..... Petitioner

Through: Mr. Amanjeet Singh, Mr. Gurpreet Singh, Mr. Simardeep Singh Kalra, Ms. Anjana Kumari, Ms. Anju Singh, Ms. Meena Belwal and Ms. Priya Gujral, Advocates with Petitioner in-person.

versus

STATE (GOVT. OF NCR OF DELHI) & ANR. Respondents

Through: Mr. Mukesh Kumar, APP with respondent No. 2-in-person and ASI Bheem Singh, P.S.: Ambedkar Nagar.

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)****CRL.M.A. 9229/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 2407/2024

1. Petition under Section 482 the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for quashing of FIR No. 0243/2022, under Sections 308 IPC registered at P.S.: Ambedkar Nagar, Delhi and the proceedings emanating therefrom.

2. In brief, as per the case of petitioner, present FIR was registered over a



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minor dispute which resulted into a scuffle and ultimately led to the registration of FIR No. 0243/2022 on 19 .04.2022 by respondent No. 2.

3. Learned counsel for the petitioner submits that both petitioner as well as respondent No. 2 are step-brothers and the alleged assault happened during the heat of moment. It is further urged that petitioner and respondent No. 2 have settled the disputes and are residing together in a joint family. It is also pointed out that petitioner is aged about 33 years and has clean past antecedents.

4. The disputes are stated to have been settled in terms of settlement deed dated 22.02.2024.

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. Parties are present in person and have been identified by ASI Bheem Singh, P.S.: Ambedkar 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 states that nothing remains to be further adjudicated upon between the parties and has no objection in case the FIR in question is quashed.

7. Petitioners in both cases 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 generalized list or categories can be prescribed. However, the Court is required to give due



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regard to the nature and gravity of the offence and consider the impact on the society.

Principles for quashing of FIR have been delineated in *Gian Singh vs. State of Punjab & Anr.*, (2012) 10 SCC 303 and *Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur & Ors. vs. State of Gujarat & Anr.*, (2017) 9 SCC 641. Predicated on settlement between the parties, FIRs under similar Section have been quashed in '*Laxman Karotia & Ors. vs. The State NCT of Delhi & Ors.*', CRL.M.C. 813/2024 decided on 16.02.2024 by Co-ordinate Bench of this Court and '*Amit Kumar & Ors. vs. State & Ors.*'. CRL.M.C. 2106/2024, decided on 15.03.2024 by this Court.

8. Parties, who are closely related, intend to put quietus to the proceedings and move forward in life. Considering the facts and circumstances, since the matters have been amicably settled between the parties, no useful purpose shall be served by keeping the case pending and continuation of proceedings would be nothing but an abuse of the process of the Court. Consequently, FIR No. 0243/2022, under Sections 308 IPC registered at P.S.: Ambedkar Nagar, Delhi and the 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.

MARCH 22, 2024/R



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