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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 03.04.2024

+ W.P.(CRL) 1062/2024

SH. MANISH SONI AND ORS.

..... Petitioners

Through: Mr. Shubham Jain and Mr. Haider
Khan, Advocates with Petitioners
in-person.

versus

STATE (GOVT. OF NCT OF DELHI) AND ANR. Respondents

Through: Mr. Sanjeev Bhandari, ASC with Ms.
Anvita Bhandari, Mr. Kunal Mittal,
Mr. Arjit Mittal and Mr. Vaibhav
Vats, Advocates and SI Krantiveer
Singh, PS: Madhu Vihar.
Mr. Lalit Kant Gautam, Adv for R-2
with R-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)****CRL.M.A. 10004/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of.

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1. Petition under Article 226 of the Constitution of India read with 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. 0116/2022, under Sections 506/509 IPC registered at P.S.: Madhu Vihar and proceedings emanating therefrom.



2. Issue notice. Learned ASC for the State and learned counsel for respondent No. 2 along with respondent No. 2-in-person appear on advance notice and accept notice.
3. Learned counsel for the petitioners submits that the genesis of the alleged incident relates to matrimonial differences between the parties, since a complaint was lodged by respondent No. 2 against the petitioners. The alleged incident is alleged to have occurred during the course of investigation.
4. The disputes have been amicably resolved between the parties vide settlement deed dated 17.11.2023. Also, a separate petition is stated to have been preferred by petitioners for quashing of FIR No. 0212/2022, under Sections 498A/406/34 IPC registered at P.S.: Ghazipur.
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. Petitioners and respondent No. 2 are present in person and have been identified by SI Krantiveer Singh, PS: Madhu Vihar, 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 she 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 Code of Criminal Procedure. The same are to be used to secure the ends of justice and 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 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 FIR arises 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. Consequently, FIR No. 0116/2022, under Sections 506/509 IPC registered at P.S.: Madhu Vihar 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 03, 2024/R