



2024:DHC:5486



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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 25.07.2024

+ CRL.M.C. 2665/2024

AVINASH BIDHURI AND ORS.

.....Petitioners

Through: Mr. Nagendra Kasana, Mr. Rajesh Rathod, Mr. Gourav Verma, Ms. Shivali Bidhuri, Mr. Sandeep Singh and Mr. Mubarik Hussain, Advocates with Petitioners-in-person.

versus

STATE AND ANR.

.....Respondents

Through: Ms. Kiran Bairwa, APP for State with SI Subhash Kumar, PS: Sarita Vihar. Ms. Palak Munjal, Advocate 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 TANOOP 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 petitioner for quashing of FIR No. 0299/2018, under Sections 354/506/34 IPC, registered at PS: Sarita Vihar and proceedings emanating therefrom.
2. In brief, as per the case of the prosecution, present FIR was registered on 05.09.2018, on complaint of respondent No. 2 / prosecutrix, who alleged that petitioners outraged her modesty and inappropriately touched her. She also alleged that petitioners threatened to kill and attempted to assault them.
3. Learned counsel for the petitioner submits that disputes between the



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parties relate to landlord- tenant dispute and present complaint was lodged since petitioner No. 3 objected to illegal plying / stationing of food van by respondent No. 2. He further submits that disputes have been amicably settled in terms of settlement deed dated 18.03.2024 and informs that petitioners have clean past antecedents.

4. Learned counsel for respondent No. 2 admits that disputes have since been amicably settled between the parties and respondent No. 2 has no longer any grievance against the petitioners, as she alongwith her husband have shifted from that tenanted premises.

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

6. 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.

7. 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 /



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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.

**8.** Petitioners and respondent No. 2 are present in person and have been identified by SI Subhash Kumar, PS: Sarita Vihar. 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 submits that since all the disputes between the parties have been amicably settled, she has no further grievance in this regard and has no objection in case FIR in question is quashed.

**9.** Petitioners and respondents No. 2 intend to put quietus to the proceedings arising out of landlord-tenant disputes. 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.

**10.** 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. 0299/2018, under



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Sections 354/506/34 IPC, registered at PS: Sarita 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 learned Trial Court for information.

**ANOOP KUMAR MENDIRATTA, J.**

**JULY 25, 2024/R**