



2024:1000:1075



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 09.04.2024

+ W.P.(CRL) 1089/2024

RAJESH KUMAR SHARAWAT AND OTHER Petitioners

Through: Mr.Hitesh Singh, Mr.Sunil Sharma,
Ms.Divya Jyoti, Ms.Pooja Bansal,
Ms.Apali Kaushal, Ms.Nisha Chauhan
and Ms.Tanvi Munjal, Advocates with
petitioners in person.

versus

THE STATE NCT OF DELHI AND ANR Respondents

Through: Mr.Sanjay Lao, Standing Counsel
(Crl.), GNCTD with Mr.Abhinav
Kumar Arya, Mr.Priyam Aggarwal
and Mr.Shivesh Kaushik, Advocates
alongwith SI Krishan and HC Vikas,
PS Bawana.
Mr.D.K.Pandey, Advocate 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 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. 0483/2023 under Sections 354/354B/509/506/34 IPC registered at P.S.: Bawana and the proceedings emanating therefrom.
2. Issue notice. 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.

3. In brief, as per the case of the prosecution, present FIR was registered on the complaint of respondent No.2 who stated that she alongwith her husband had purchased a land in Village Dariyapur and had visited to inspect the same about 11.30 A.M. on 14.06.2023. She further alleged that petitioner No.1 (Rajesh Kumar Sharawat) along with his father and brother (petitioners Nos. 2 and 3) asked them to leave the said place. However, when complainant informed them that they had purchased the said property, petitioner No.3 abused them while petitioner No.1 pulled off her Dupatta and hit her on the chest. Since people started gathering, petitioners left the spot.

4. Learned counsel for the petitioners submits that disputes between the parties with reference to the plot in question have been amicably settled in terms of Settlement Deed dated 29.02.2024. It is further submitted that both petitioners as well as respondent No.2 are neighbours, known to each other and settlement shall promote harmony between parties.

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 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 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.

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 over personal disputes, which do not affect public at large, stand on a different footing, so far as exercise of inherent powers under Section 482 Cr.P.C. is concerned. It also needs to 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 to the accused.

8. Petitioners as well as respondent No.2 are present in person and have been identified by SI Krishan, P.S.: Bawana. 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.

9. Parties being known to each other intend to put quietus to the proceedings and move forward in life. The chances of conviction are bleak in view of settlement between the parties. No past involvements of petitioners have been brought to notice of this Court. The settlement shall further 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. 0483/2023 under Sections 354/354B/509/ 506/34 IPC registered at P.S.: Bawana and the proceedings emanating therefrom stand quashed.

Petition is accordingly disposed of. Pending applications, if any, also stand disposed of.

ANOOP KUMAR MENDIRATTA, J.

APRIL 9, 2024/v