



2024 : DHC : 3443



\$~18

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

%

Date of Decision: 30.04.2024

+ CRL.M.C. 2760/2024

MS NIKITA & ORS.

..... Petitioners

Through: Mr.Tushar Rohmetra, Advocate with
petitioners in person.

versus

THE STATE & ANR.

..... Respondents

Through: Ms. Meenakshi Dahiya, APP for State
with SI, Shristhi, PS Subhash Place.
Mr.Neeraj Dahiya, Advocate with
respondent no. 2 in person.**CORAM:****HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA**

%

J U D G M E N T**ANOOP KUMAR MENDIRATTA, J (ORAL)****CRL.M.C. 2760/2024**

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. 0603/2022, under Sections 323/341/354/427/34 IPC registered at P.S.: Subhash Place and proceedings emanating therefrom. Charge-sheet has been filed under Sections 323/341/354/354B/427/506/509/34 IPC.
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 petitioners, marriage between petitioner



No. 1 and son of respondent No. 2 was solemnized according to Hindu rites and ceremonies on 28.11.2019. A female child was born out of the wedlock. Due to temperamental differences, son of respondent No. 2 and petitioner No. 1 started living separately. On complaint of respondent No. 2, present FIR was registered on 16.05.2022 with respect to alleged incident which took place on 02.03.2022. Respondent no.2 alleged that on the aforesaid date, petitioners alongwith unknown persons created mayhem at her house and further outraged her modesty by touching her inappropriately.

4. Learned counsel for the petitioners submits that FIR evolves out of matrimonial differences between petitioner no. 1 and son of respondent no.2.

5. The disputes are stated to have been amicably settled between the parties in terms of Settlement Deed dated 28.10.2023. The marriage between petitioner No. 1 and son of respondent No. 2 has been dissolved by decree of divorce by way of mutual consent under Section 13B(2) of the Hindu Marriage Act vide judgment dated 24.01.2024.

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 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.

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. 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.

9. Petitioners as well as respondent No. 2 are present in person and have been identified by SI Shrishti, PS Subhash Place 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.

10. Parties intend to put quietus to the proceedings, since disputes arise out of matrimonial differences. The settlement shall promote harmony between the parties. The chances of conviction are bleak in view of amicable settlement between the parties. Also, no other involvement of the petitioners in any other criminal case has been brought to the notice of this Court.

Considering the facts and circumstances, since the matter has been



2024 : DHC : 3443



amicably settled between the parties, no useful purpose shall be served by keeping the case pending. It would be nothing but an abuse of the process of Court. Consequently, FIR No. 0603/2022, under Sections 323/341/354/354B/427/506/509/34 IPC registered at P.S.: Subhash Place 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 30, 2024/K