



2024:DHC:7618



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 03.10.2024

+ CRL.M.C. 2856/2024

PREM CHAND & ORS.

.....Petitioners

Through: Mr. Anshul Garg and Ms. Priya Garg,
Advocates with Petitioners-in-person.

versus

STATE & ANR.

.....Respondents

Through: Mr. Satinder Singh Bawa, APP with
SI Madhu, PS: Mandir Marg and
Insp. Dharmender, PS: IGI Airport.

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 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. 0142/2013, under Sections 323/341/354/427/452/506/120B IPC, registered at PS: Mandir Marg and proceedings emanating therefrom. Sections 147/148/149 IPC were subsequently invoked.
2. Issue notice. Learned APP for the State and respondent No.2 in person appear on advance notice and accept notice.
3. In brief, present FIR was registered on complaint of 'GD' under Section 156(3) Cr.P.C. in the background of long drawn differences between the parties and alleged incidents in the year 2012.
4. Learned counsel for petitioners submits that disputes between the parties arose over allotment of property/quarter, which have been amicably



resolved in terms of settlement deed dated 20.12.2023. He further submits that petitioners have clean past antecedents.

5. Respondent No. 2 submits that since the disputes have been amicably settled between the parties in view of settlement deed dated 20.12.2023, she along with family members has no further grievance against the petitioners and has no objection in case the FIR is quashed.

6. 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.

7. 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.

8. 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/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



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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 and respondent No. 2 are present in person and have been identified by SI Madhu, PS: Mandir Marg. 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 submits that since all the disputes between the parties have been amicably settled, they have no objection in case the FIR in question is quashed.

10. Petitioners and respondent No. 2 intend to put quietus to the proceedings arising out of a minor issue of allotment of property/quarter. The settlement shall promote harmony between the parties. 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.

11. 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. 0142/2013, under Sections 147/148/149/323/341/354/427/452/506/120B IPC, registered at PS: Mandir Marg and proceedings emanating therefrom stand quashed.

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



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A copy of this order be forwarded to learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J
OCTOBER 03, 2024/R