



\$~61

* IN THE HIGH COURT OF DELHI AT NEW DELHI

%

Date of Decision: 15.04.2024

+ CRL.M.C. 2919/2024

BUNTY @DINESH

..... Petitioner

Through: Ms. Shalu Kumari, Adv.

versus

THE STATE NCT OF DELHI AND ANR

..... Respondents

Through: Mr. Ajay Vikram Singh, APP for State

SI Prashant, P.S. South Rohini

Mr. B. S. Tomar, Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

%

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 petitioner (husband) for quashing of FIR No. 734/2007, under Section 324 IPC registered at P.S.: Rohini and proceedings emanating therefrom.
2. Issue notice. Learned APP 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. In brief, as per the case of petitioner, marriage between petitioner and respondent no.2 was solemnized according to Hindu rites and ceremonies. Two female children were born out of the wedlock. There used to be differences between parties on the payment of day-to-day expenses by the petitioner to respondent no. 2 and in an altercation on 27.07.2007, petitioner



is alleged to have assaulted respondent no.2 and hit her with a sharp edged object which resulted in bleeding from her left arm. On complaint of respondent No.2, present FIR was registered on 28.07.2007.

4. The disputes are stated to have been amicably settled between the parties in terms of MoU dated 01.02.2024 and the parties are stated to be residing together since 2010.

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

6. Petitioner as well as respondent No.2 are present in-person and have been identified by SI Prashant, PS: South Rohini. 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. Petitioner in the present case seeks 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. Petitioner and respondent no. 2 are related as husband and wife and intend to put quietus to the proceedings. The settlement shall help them to



move forward in life and promote harmony. The incident allegedly occurred over a minor altercation at the spur of moment. The chances of conviction are also bleak in view of settlement between the parties. 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. 734/2007 under Section 324 IPC registered at P.S.: Rohini, Delhi and the 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.

APRIL 15, 2024/ns