



2024:DHC:5964



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 09.08.2024

+ CRL.M.C. 3337/2024

ADITYA NARAYAN

.....Petitioner

Through: Mr.Krishna Gopal Mishra, Advocate
with petitioner in person

versus

THE STATE (GOVT OF NCT OF DELHI)

AND ANR.

.....Respondents

Through: Ms.Meenakshi Dahiya, APP for State
with Mr.Jatin Raheja, Mr.Nikhil
Malhotra, Mr.Pushkar Khatana,
Mr.Vishal Tanwar, Mr.Nitin Soni,
Mr.Ashok Hooda, Mr.Akash Khatri
and Mr.S. Nanda, Advocates with
WSI Archana, P.S. Mehrauli.
Respondent No.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 Aditya Narayan for quashing of FIR No. 0195/2024, under Section 420 IPC, registered at P.S.: Mehrauli.

2. In brief, as per the case of the prosecution, FIR was registered on complaint of respondent no. 2 who alleged that she had contacted petitioner Aditya Narayan (accused) for taking care of her father who is suffering from neuro problems. On 10.03.2024, a text message of withdrawal of sum of



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Rs. 1,00,000/- was received on the mobile phone of the father of complainant on which, petitioner confessed that aforesaid amount was transferred by him in his bank account, by using her father's SIM in his mobile phone. Approximately a sum of Rs. 12,00,000/- is stated to have been transferred by adopting similar *modus operandi* by petitioner.

3. Learned counsel for the petitioner submits that disputes have been amicably settled between the parties in terms of Settlement Deed dated 26.04.2024, whereby an amount of Rs. 11,70,000/- has been returned by petitioner to complainant at the time of seeking conditional bail. He further submits that petitioner has clean past antecedents and belongs to a humble background. Further, quashing of FIR shall enable him to re-settle in life.

4. Respondent no. 2 who is present in person submits that since petitioner had been engaged for taking care of her father, she is willing to forgive him and has no objection to the quashing of the FIR.

5. Learned APP for the State submits that in view of amicable settlement between the parties, since the amount has been returned by the petitioner to respondent No.2, she has no objection in case the FIR in question is quashed.

6. Petitioner in the present case seeks 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/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.

Reference may also be made to *Sunil Tomar vs. The State of NCT of Delhi & Anr.*, CRL.M.C.1741/2021, decided on 12.04.2022 by Coordinate Bench of this Court and *Rajni Khare vs. State & Anr.*, CRL.M.C. 2930/2021, decided on 19.03.2024 by this Court, wherein the proceedings under Sections 406/420 IPC were quashed on the basis of settlement between parties.

8. Petitioner and respondent No. 2 have been identified by WSI Archana, PS: Mehrauli. I have interacted with the parties and they confirm that the matter has been amicably settled between them without any threat, pressure or coercion. Complainant / Respondent No. 2 also states that she has no objection in case the FIR in question is quashed.

9. Parties intend to put quietus to the proceedings. 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 petitioner 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. 0195/2024, under Section 419/420 IPC, registered at P.S.: Mehrauli and proceedings emanating therefrom stand quashed.

11. In the facts and circumstances, instead of imposing the costs upon Petitioner, he is directed to render his service in Social Welfare Organisation/ Orphanage / to be deputed by Director, Department of Social Welfare, Govt. of NCT of Delhi for a period of 'sixty days' for at least 8 hours a day within a period of twelve months.

IO / SHO, P.S. concerned shall take necessary steps for aforesaid purpose and a 'Certificate of Compliance' shall be placed before the Registry of this Court, after the services have been rendered.

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.

AUGUST 09, 2024/v