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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 30.04.2024

+ CRL.M.C. 3360/2024

UBESH RAZA

..... Petitioner

Through: Ms. Himanshu Vij and Mr. Sushil
Kumar, Advs.

versus

STATE NCT OF DELHI AND ANR.

..... Respondents

Through: Ms. Kiran Bairwa, APP for State with
SI Vivek, PS Mayur Vihar.
Ms. Sumati Sharma, Adv. for R-2
with R-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 Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for quashing of FIR No. 0088/2020 under Sections 354(D)/506 IPC registered at P.S.: Mayur Vihar.
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 on 07.03.2020, who alleged that she was in friendship with the petitioner, but later on when she wanted to end the same, petitioner started threatening to expose her photographs on social media. Further, petitioner followed the complainant on 28.02.2020 till her home and created a scene.
4. Learned counsel for the petitioner submits that both petitioner as well



as respondent No. 2 were closely known to each other and the FIR is outcome of misunderstandings which have now been cleared between the parties. He further submits that petitioner and respondent No. 2 have resolved the disputes in terms of Memorandum of Understanding dated 10.04.2024. He further points out that petitioner has clean past antecedents and was aged about 24 years at the relevant time.

5. Respondent No. 2 who is present in person, submits that all the disputes between the parties have been amicably settled and she has no objection in case the FIR in question is quashed.

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. 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. 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.

9. Petitioner as well as respondent No. 2 are present in person and have been identified by SI Vivek, P.S.: Mayur Vihar. 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 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 involvement of the petitioner 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. 0088/2020 under Sections 354(D)/506 IPC registered at P.S. Mayur Vihar 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 30, 2024/akc