



2024-1002:2411



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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. 3363/2024

VIKASH MISHRA AND ORS

..... Petitioners

Through: Mr. Sanchit Sehgal and Mr. Jitendra
Tiwari, Advs.

versus

THE STATE GNCT OF DELHI

..... Respondent

Through: Ms. Meenakshi Dahiya, APP for State
alongwith SI Rocky and HC Rajeev
Mishra, PS Shastri Park.
Respondent No.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)****CRL.M.A. 12955/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 3363/2024

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. 0578/2023, under Sections 323/341/506/34 IPC, registered at P.S.: Shastri Park and proceedings emanating therefrom. Section 325 IPC is stated to have been subsequently invoked.
2. Issue notice. Learned APP for the State and respondent No. 2 in person, appear on advance notice and accept notice.



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3. In brief, as per the case of prosecution, present FIR was registered on complaint of respondent No. 2 Deepak Tiwari, who alleged that on 06.08.2023, he was assaulted and threatened by the petitioners. FIR was accordingly registered under Section 323/341/506/34 IPC.

4. Learned counsel for the petitioners submits that petitioners as well as respondent No. 2 are known to each other and disputes have been amicably settled between the parties. It is further submitted that petitioners have past clean antecedents and are not involved in any other criminal proceedings.

5. 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.

6. 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.

7. 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



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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.

8. Petitioner No. 1 & 3 and Respondent No. 2 are present in person, and petitioner No. 2 (through VC) have been identified by SI Rocky, P.S. Shastri Park, Delhi. 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 submits that all the disputes between the parties have been amicably settled and he has no further grievance in this regard.

9. The incident appears to have occurred owing to some disputes between the parties. Another FIR No. 591/2023 under Sections 354/506/509 IPC lodged at instance of wife of petitioner No.2, Karuna Shankar Shukla against respondent No.2 is also stated to have been settled in respect of which separate proceedings for quashing have been instituted. 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.

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. 0578/2023, under Sections 323/325/341/506/34 IPC, registered at P.S.: Shastri Park, Delhi and proceedings emanating therefrom stand quashed.

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



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stand disposed of.

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

ANOOP KUMAR MENDIRATTA, J.

APRIL 30, 2024/akc