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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Date of Decision: 01.05.2024*

+ CRL.M.C. 3402/2024

DEEP NARAYAN TIWARI @ DEEPAK Petitioner

Through: Mr.Sanchit Sehgal, Advocate with
petitioner in person.

versus

THE STATE GOVT OF NCT OF DELHI & ANR Respondents

Through: Ms.Kiran Bairwa, APP for State with
W/SI Parul, P.S. Shastri Park.
Mr., Advocate with respondent No.2
in person.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

% **J U D G M E N T**

ANOOP KUMAR MENDIRATTA, J (ORAL)

CRL.M.A. 13076/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 3402/2024

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. 591/2023 under Sections 354/506/509 IPC registered at P.S.: Shastri Park and the proceedings emanating therefrom.

2. Issue notice. Learned APP for the State and learned counsel for respondent No.2 alongwith respondent No.2 appear on advance notice and



accept notice.

3. In brief, FIR No. 0578/2023 was registered at instance of petitioner Deep Narayan Tiwari @ Deepak under Sections 323/341/506/34 IPC at P.S. Shastri Park in respect of an incident of assault on 06.08.2023 against VM, RS@HK and KSS. Thereafter, present FIR No. 591/2023 under Sections 354/506/509 IPC was registered on 09.08.2023 at instance of respondent No.2 (who is wife of KSS and sister of VM) with reference to a separate incident on 06.08.2023.

4. Learned counsel for the petitioner submits that both the matters have been amicably settled between the parties and FIR No. 0578/2023 under Sections 323/341/506/34 IPC registered at P.S. Shastri Park as referred to above has been quashed by this Court vide order dated 30.04.2024 passed in CRL.M.C. 3363/2024.

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. 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.

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 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.

8. Petitioner as well as respondent No. 2 are present in person and have been identified by SI Parul, P.S.: Shastri Park. 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 she has no further grievance in this regard.

9. The incident appears to be a counter to FIR No. 0578/2023, under Sections 323/325/341/506/34 IPC registered at P.S.: Shastri Park, Delhi lodged at instance of petitioner Deepak Narayan Tiwari. The same has been quashed by this Court vide order dated 30.04.2024 passed in CRL.M.C. 3363/2024. The settlement shall promote harmony between the parties. Also



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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. 591/2023 under Sections 354/506/509 IPC registered at P.S.: Shastri Park and the proceedings emanating therefrom stand quashed.

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

A copy of this judgment be forwarded to learned Trial Court for information and compliance.

ANOOP KUMAR MENDIRATTA, J.

MAY 01, 2024/v