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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 01.05.2024

+ CRL. M.C. 3411/2024

ZAHIRUDDIN & ORS.

..... Petitioners

Through: Mr.Rishi Pal Singh, Advocate
alongwith petitioner No.1 in person.

versus

THE STATE OF NCT DELHI AND ANR.

.... Respondents

Through: Mr.Ajay Vikram Singh, APP for State
with SI Nitin Tomar, P.S. Jamia
Nagar.

Mr.Rashid Hashmi, Advocate with
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. 13125/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 3411/2024

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 Complaint Case No.613540/2016, titled as '*Mohd. Tariq Afaq v. Roshan & Ors.*', under Sections 420/406/382/384/506 IPC pending before learned MM-03, Mahila Court, South East District, Saket Courts, New Delhi.

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 petitioners, matrimonial alliance between Respondent No.2 and Petitioner No. 2 was fixed in the year 2010 but on account of unforeseen circumstances, the marriage could not be solemnized as proposed on 07.11.2012. Consequently, allegations and counter-allegations were made by both the parties resulting in registration of FIR No. 972/2012, under Sections 498A/406/34 IPC, P.S. Jamia Nagar at the instance of Petitioner No. 1.

Respondent No.2 filed the complaint case in question under Sections 420/406/382/384/506 IPC against the petitioners and is pending consideration before learned MM-03, Mahila Court, South East District, Saket Courts, New Delhi.

4. The disputes are stated to have been amicably settled between the parties in terms of Settlement Deed dated 12.03.2024. FIR No. 972/2012, under Sections 498A/406/34 IPC, P.S. Jamia Nagar has been quashed vide separate judgment dated 01.05.2024 in CRL. M.C. 3401/2024.

5. Learned APP for the State submits that in view of amicable settlement between the parties, the State has no objection in case the Complaint case 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 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 No.1, 3 & 4 in person, petitioner No.2 (through VC) and respondent No. 2 have been identified by SI Nitin Tomar, P.S.: Jamia Nagar. 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 he has no objection in case the Complaint case in question is quashed.

9. Parties intend to put quietus to the proceedings which arose over differences in fixing of matrimonial alliance. 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 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, Complaint Case No.613540/2016, titled as '*Mohd. Tariq Afaque v. Roshan & Ors.*', under Sections 420/406/382/384/506 IPC pending before learned MM-03, Mahila Court, South East District, Saket Courts, New 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.

MAY 01, 2024/v