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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 17.05.2024

+ CRL.M.C. 3491/2024

INDERJEET

..... Petitioner

Through: Ms.Shalini Kakar, Mr.Vikas Singh,
Mr.Syed Mussayain Kazmi, Mr.Sham
Lal Garg, Mr.Yogtesh Hogi, Ms.Sana
Zaidi and Ms.Sushma Mathura,
Advocates with petitioner in person.

versus

THE STATE GOVT OF NCT OF DELHI & ANR. Respondents

Through: Ms.Kiran Bairwa, APP for State with
SI Insp. Koshore Kumar, P.S. South
Rohini and SI Ravi Shankar, P.S.
Patel Nagar.
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)

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.0546/2016, under Sections 352/354A/506/509 IPC, registered at PS: Patel Nagar and proceedings emanating therefrom.
2. In brief, as per the case of prosecution, present FIR was registered against the petitioner on complaint of respondent No.2 who is niece of the petitioner. Respondent No. 2 alleged that she was harassed by the petitioner alongwith his wife and was assaulted on 11.11.2016.



3. Learned counsel for the petitioner submits that both petitioner as well as respondent No.2/complainant are closely related and FIR was lodged on account of minor differences on family issues. He further submits that family disputes have been amicably settled between the parties in terms of Settlement Deed dated 22.04.2024.

4. Learned APP for the State points out that the petitioner is also involved in another FIR, but since the disputes have been amicably settled between the parties, she has no objection in case the FIR in question is quashed.

5. 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.

6. 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.

7. Petitioner and Respondent No. 2 are present in person and have been identified by SI Ravi Shankar, P.S. Patel 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 submits that since all the disputes between the parties have been amicably settled, she has no further grievance in this regard.

8. Parties are closely related and intend to put quietus to the proceedings arising out of minor family differences. 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.

9. 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.0546/2016, under Sections 352/354A/506/509 IPC, registered at PS: Patel Nagar and proceedings emanating therefrom stand quashed.

10. In the facts and circumstances, instead of imposing the costs upon the petitioner, he is directed to plant 30 saplings of trees, which are upto 03 feet in height in the local parks in the area of P.S. Patel Nagar after getting in



touch with the competent authority (i.e. Horticulture Department of MCD/DDA/Conservator of Forests, Department of Forests & Wildlife, Govt. of NCT of Delhi) through IO/SHO, P.S. Patel Nagar. The photographs of planted saplings alongwith report of IO/SHO concerned shall be forwarded to this Court within eight weeks. Further, the upkeep of the saplings/trees shall be undertaken by the authorities concerned. In case of non compliance of directions for planting of trees, the petitioner shall be liable to deposit cost of Rs. 30,000/- with the Delhi State Legal Services Authority.

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

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

ANOOP KUMAR MENDIRATTA, J.

MAY 17, 2024/v