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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of Decision: 07.05.2024

+ CRL. M.C. 3627/2024

RAVINDER KUMAR & ANR.

..... Petitioners

Through: Mr. Yash Arya, Advocate with
Petitioners-in-person.

versus

THE STATE NCT OF DELHI AND ANR.

..... Respondents

Through: Ms. Kiran Bairwa, APP for State.
Mr. Karan Kumar, Mr. Lokesh
Baimad and Ms. Jyoti Baimad,
Advocates 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)

CRL.M.A. 13904/2024 & 13905/2024

Exemption allowed, subject to just exceptions.

Applications stand disposed of.

CRL.M.C. 3627/2024

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. 0689/2020, under Sections 323/324/34 IPC, registered at P.S.: Paschim Vihar East and proceedings emanating therefrom.

Adjournment has been sought by parties in Crl. M.C. 3639/2024 preferred on behalf of Respondent no. 2 (Pankaj Makhija) for quashing of



FIR No.0688/2020, under Sections 307/324 IPC, registered at P.S.: Paschim Vihar East between the same parties.

2. Issue notice. Learned APP for the State and learned counsel for respondent No. 2 along with respondent No. 2 in person appear on advance notice and accept notice.

3. In brief, as per the case of prosecution, on 24.11.2020, complainant / Petitioner no. 2 Rajan Kumar @ Raju alongwith his brother Ravinder (Petitioner no.1) visited the shop of respondent No.2 for purpose of return of loan taken by Laxman (father of Pankaj/Respondent No. 2), wherein there was an altercation. An FIR No.0688/2020, under Sections 307/324 IPC was registered at instance of petitioner No.2 who alleged that he was attacked by respondent No.2 with a chapad.

4. The present FIR No.0689/2020 under Sections 323/324/34 IPC was registered as cross case at instance of respondent No. 2 (Pankaj Makhija) who alleged that he was attacked by Raju (petitioner no. 2) with a sharp edged object, while Ravinder (petitioner No. 1) hit him with an iron stool on his head.

5. Learned counsel for the petitioners submits that parties are closely known to each other and live in vicinity. It is urged that injuries were sustained in a scuffle over a monetary transaction. The disputes are stated to have been amicably settled between the parties in terms of Settlement Deed dated 22.08.2023.

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. Petitioners 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.

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, 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.

9. Parties are present in person and have been identified by their respective counsels. I have interacted with the parties and they confirm that the matter has been amicably settled between them without any threat, pressure or coercion and respondent No.2 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 incident occurred over a monetary transaction between petitioners and father of respondent No. 2 at the spur of moment. The settlement shall promote harmony between the parties. Even otherwise, in view of settlement, the chances of conviction are bleak.

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. 0689/2020, under Sections 323/324/34 IPC, registered at P.S.: Paschim Vihar East and 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 07, 2024/R