



2024-DHC-3830



\$~58 & 59

* IN THE HIGH COURT OF DELHI AT NEW DELHI

%

Date of Decision: 10.05.2024

+ CRL.M.C. 3771/2024

VIPUL MEHTA AND ANR.

..... Petitioners

Through: Mr.Hemant Verma, Mr.Ajay Solanki,
Mr.Rajinder Prasad Gupta and
Mr.Rizwan Malik, Advocates with
petitioner No.1 through VC and
petitioner No.2 in person.

versus

THE STATE NCT OF DELHI & ANR

..... Respondents

Through: Ms.Kiran Bairwa, APP for State
alongwith Insp. Birender Singh, P.S.
Cyber Police Station Dwarka.
Mr.Abhijeet Gulati, Advocate with
respondent No.2 in person.

+ CRL.M.C. 3772/2024

VIPUL MEHTA AND ORS.

..... Petitioners

Through: Mr.Hemant Verma, Mr.Ajay Solanki,
Mr.Rajinder Prasad Gupta and
Mr.Rizwan Malik, Advocates with
petitioner No.1 through VC and
petitionerS No.2 & 3 in person.

versus

THE STATE AND ANR.

..... Respondents

Through: Ms.Kiran Bairwa, APP for State
alongwith SI Durgesh, P.S. Dwarka
North.
Mr.Abhijeet Gulati, 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. 14428/2024 in CRL.M.C. 3771/2024

CRL.M.A. 14429/2024 in CRL.M.C. 3772/2024

Exemption allowed, subject to just exceptions.

Applications stand disposed of.

CRL.M.C. 3771/2024 & CRL.M.C. 3772/2024

1. Separate Petitions 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. 008/2023, under Sections 506/509 IPC, registered at P.S.: Cyber Police Station Dwarka and FIR No. 226/2023, under Sections 498A/406/34 IPC, registered at P.S.: Dwarka North and proceedings emanating therefrom.
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 petitioners, marriage between petitioner No.1 and respondent No. 2 in FIR No. 008/2023 was solemnized according to Hindu rites and ceremonies on 13.04.2009. Two children were born out of the wedlock who are presently in custody of petitioner No.1. Due to temperamental differences, respondent No.2 and petitioner No.1 started living separately.

On complaint of respondent No. 2, FIR No. 008/2023, under Sections 506/509 IPC was registered at P.S.: Cyber Police Station Dwarka against petitioner No.1 (Vipul Mehta) and his cousin petitioner No.2 (Mittul



Mongia) on 09.02.2023, wherein allegations of threat and use of abusive language were made by respondent No.2.

Another FIR No. 226/2023, under Sections 498A/406/34 IPC was registered at P.S.: Dwarka North against petitioner No.1 (Vipul Mehta), petitioner No.2 (Ramesh Chandra) and petitioner No.3 (Saroj Mehta).

4. Learned counsel for the parties submit that disputes arise out of matrimonial differences between the parties and have been amicably resolved in terms of Settlement Deed dated 03.02.2024. The marriage between petitioner No. 1 and respondent No.2 is stated to have been dissolved by decree of divorce dated 02.03.2024, by way of mutual consent under Section 13B(2) of the Hindu Marriage Act.

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 appropriately quashed despite settlement. However, distinguished from



2024-DHC-3830



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.

8. Petitioner No1 (through VC), remaining petitioners and Respondent No. 2 are present in person and have been identified by Insp. Birender Singh, P.S. Cyber Police Station Dwarka. 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. Parties intend to put quietus to the proceedings, since the disputes arise out of matrimonial 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. Further, no past involvement of the petitioners 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



2024-DHC-3830



keeping the case pending. Continuation of proceedings would be nothing but an abuse of the process of Court. FIR No. 008/2023, under Sections 506/509 IPC, registered at P.S.: Cyber Police Station Dwarka and FIR No. 226/2023, under Sections 498A/406/34 IPC, registered at P.S.: Dwarka North and proceedings emanating therefrom stand quashed.

In the facts and circumstances, instead of imposing the costs upon the petitioners, they are directed to plant 50 saplings of trees, which are upto 03 feet in height in the local parks in the area of P.S. Cyber Police Station Dwarka 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. Cyber Police Station Dwarka. 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 petitioners shall be liable to deposit cost of Rs. 50,000/- with the Delhi State Legal Services Authority.

Petitions are 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.

A copy of this order be kept in connected petition.

ANOOP KUMAR MENDIRATTA, J.

MAY 10, 2024/v