



2024:DHC:5127



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 11.07.2024

+ CRL.M.C. 3795/2024

HARJINDER @ BALLU & ANR.

..... Petitioners

Through: Mr. Amarveer Singh Bhullar,
Mr. Sunil Sehrawat, Mr. Anurag
Sharma, Mr. Naresh Yadav,
Ms. Sharanjit Kaur Shergill and
Ms. Mandavi Singh, Advocates with
petitioners-in-person.

versus

THE STATE (GOVT. OF NCT DELHI) & ORS. Respondents

Through: Ms. Kiran Bairwa, APP for State with
with SI Sachin, Baba Hari Das Nagar
and ASI Rakesh Kumar, PS: Dwarka
North.
Mr. Abhinav Kaushik, Mr. Rishabh
Attri, Mr. Jatin Batra and Mr. Ankit
Vishnoi, Advocates for R-2 to 4 with
Respondent Nos. 2 to 4-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 petitioners for quashing of FIR No. 0372/2018, under Sections 323/341/34 IPC, registered at PS: Baba Haridas Nagar and proceedings emanating therefrom. Chargesheet has been filed under Sections 323/341/354/506/509/34 IPC.
2. In brief, as per the case of prosecution, present FIR was registered on complaint of respondent No. 2 / complainant, who alleged that on 29.11.2018, he had demanded Rs. 850/- as Electricity Bill from Harjinder @



Ballu, on which, he was abused by Harjinder @ Ballu. Thereafter, at about 03:30 PM, while he was proceeding with his wife to Najafgarh Bazar and reached at Gali No. 17B, he was abused and assaulted by Harjinder @ Ballu. Further Harjinder @ Ballu was joined by his elder brother Bijender (petitioner No.2) and complainant was hit with a stick (*danda*). On hearing the commotion, daughter of complainant reached the spot and called at number 100. FIR was accordingly registered under Sections 323/341/34 IPC. Later, during the course of investigation, on the basis of supplementary statement, offences under Sections 354/506/509 IPC were also invoked.

3. Learned counsel for the petitioners submits that the matter has been amicably settled between petitioners and respondents No.2 and 3 who reside in vicinity. He further urges that petitioners have clean past antecedents and alleged incident took place over a minor issue. An amount of Rs. 50,000/- in cash is also stated to have been paid to respondent No. 2 towards expenses incurred by him.

4. Learned APP for the State submits that in view of amicable settlement between the parties, she has no objection in case the FIR in question is quashed.

5. 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.

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. Petitioners and respondent Nos. 2 and 3 are present in person and have been identified by SI Sachin, Baba Hari Das 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 & 3 submit that since all the disputes between the parties have been amicably settled, they have no further grievance in this regard and have no objection in case FIR in question is quashed.

8. Petitioners and respondents No. 2 and 3 intend to put quietus to the proceedings arising out of altercation over payment of Rs.850/-. 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



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amicable settlement between the parties. Further, no past involvement of the petitioners has been brought to the notice of this Court.

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. 0372/2018, under Sections 323/341/354/506/509/34 IPC, registered at PS: Baba Haridas Nagar 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.

JULY 11, 2024/R