



2024:DHC:5656



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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 31.07.2024

+ CRL.M.C. 3804/2024

HANS RAJ

.....Petitioner

Through: Mr. Pavitra Veer Singh, Mr. Varun Bhandari, Ms. Kanika, Mr. Akshay Tomar and Ms. Sheenu Gupta, Advocates.

versus

THE STATE NCT OF DELHI AND ANR. ....Respondents

Through: Ms. Meenakshi Dahiya, APP for State with SI Rachana, PS: Farsh Bazar. Mr. Vinay Kumar and Mr. Sanjeev Rathi, Advs. for R-2.

+ CRL.M.C. 3985/2024

MANOJ VICKY &amp; ORS.

.....Petitioners

Through: Mr. Vinay Kumar, Mr. Varun Bhandari and Ms. Kanika, Advocates for P-1 to P-3.

versus

THE STATE &amp; ORS.

.....Respondent

Through: Ms. Manjeet Arya, APP with SI Pooja Saraswat, PS: Malviya Nagar. Mr. Pavitra Veer Singh, Ms. Sheenu Gupta and Mr. Ashok Kumar, Advocates for R-2 to R-4.

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. CRL.M.C. 3985/2024 under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioners



(Manoj, P....m and J.....i) for quashing of FIR No. 0466/2020, under Sections 354A/506/509 IPC, registered at PS: Farsh Bazar and proceedings emanating therefrom.

2. CRL.M.C. 3804/2024 under Section 482 Cr.P.C. has been preferred on behalf of Hansraj for quashing of FIR No. 0479/2020, under Sections 354A/509/34 IPC, registered at PS: Farsh Bazar and proceedings emanating therefrom.

3. In brief, FIR No. 0466/2020 was registered at instance of P d/o KK, who alleged that Manoj (petitioner no. 1 in CRL.M.C. 3985/2024), who was residing in neighbourhood, used to make obscene gestures and abuse complainant and her sisters. She further alleged that on 31.10.2020 at about 12:00 AM in the mid-night Manoj who was standing in his balcony started abusing the complainant and her sisters. Allegations were further levelled in the supplementary statement against P....m and J.....i (petitioner No.2 & 3).

4. FIR No. 0479/2020 was registered as a cross-FIR at instance of P....m w/o Manoj, who alleged that Hansraj (petitioner in CRL.M.C. 3804/2024), who was residing across their house, used to make obscene gestures. On 06.11.2020, while urinating, he made inappropriate obscene gestures and on objection by complainant Hansraj threatened her. She further alleged that earlier on 01.11.2020, Kishori Lal (since deceased), a relative of Hansraj also passed inappropriate comments and made obscene gestures.

5. Learned counsel for the petitioners and respondents in respective cases submit that parties are neighbours and aforesaid FIRs were registered on account of differences between the parties. The disputes are stated to have been amicably resolved in terms of settlement dated 21.11.2022. They further urge that petitioners have clean past antecedents. Learned counsel for



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petitioners and respondents further inform that Kishori Lal has since expired, which is confirmed by the IO.

6. Learned APPs for the State in respective cases submit that in view of amicable settlement between the parties, they have no objection in case the FIRs in question are quashed.

7. Petitioners in the present cases 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 in respective cases and have been identified by concerned IOs. I have interacted with them and they confirm that the matter has been amicably settled between them without any threat, pressure or coercion and have no further grievance in this regard.

10. Parties being neighbours intend to put quietus to the proceedings arising out of unfortunate incidents. 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 in respective cases has been brought to the notice of this Court.

11. 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. 0466/2020, under Sections 354A/506/509 IPC and FIR No. 0479/2020, under Sections 354A/509/34 IPC, both registered at P.S.: Farsh Bazar and proceedings emanating therefrom stand quashed.

12. In the facts and circumstances, instead of imposing the costs upon the petitioners, Manoj (petitioner no. 1 in CRL.M.C. 3985/2024) and Hansraj (petitioner in CRL.M.C. 3804/2024) are directed to plant 25 saplings of Neem trees each, which are upto 03 feet in height in the area of Farsh Bazar 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 IOs / SHOs, PS: Farsh Bazar.



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The photographs of planted saplings alongwith report of IOs / SHOs 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, petitioner Manoj and Hansraj in respective petitions shall be individually liable to deposit cost of Rs. 25,000/- 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.**

**JULY 31, 2024/R**