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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 10.05.2024

+ W.P.(CRL) 1483/2024

MAHENDER AND ORS.

..... Petitioners

Through: Mr. Vinay Kumar Sharma,
Mr. Aaditya, Ms. Ritu, Ms. Lata
Nautiyal, Mr. Dhirender K. Nautiyal,
Ms. Ayushi Yadav and Mr. Akshay
Nautiyal, Advocates with Petitioners
in-person.

versus

STATE NCT OF DELHI AND ORS.

..... Respondents

Through: Ms. Rupali Bandhopadhyaya, ASC
(Crl.) with Mr. Abhijeet Kumar and
Mr. Sagar Mehlawat, Advocates for
State with W/SI Sanju Kumari,
PS: Palam Village.
Mr. Harish K. Malhotra and Mr. Rajeev
Yadav, Advocates for R-2 & R-3 with
Respondent Nos. 2 & 3-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. 14504/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of.

W.P.(CRL) 1483/2024

1. Petition under Article 226 of Constitution of India read with 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. 0353/2015, under Sections 354/323/324/34 IPC, registered at P.S.: Palam Village and proceedings emanating therefrom.

2. Issue notice. Learned ASC for the State and learned counsel for respondent Nos. 2 & 3 along with respondent Nos. 2 & 3 in person appear on advance notice and accept notice.

3. In brief, as per the case of the prosecution, FIR was registered on complaint of respondent No. 2, who alleged that on 02.07.2015 when she came out of the house, petitioner No. 1 / Mahender touched her inappropriately and when her son / respondent No. 3 intervened, they were assaulted by petitioner No. 1 and his sons. Thereafter, respondent No. 2 was further assaulted by some women, who reside in vicinity and were called at the instance of petitioner No. 1. FIR was accordingly registered under Sections 354/323/324/34 IPC.

4. Learned counsel for the petitioners submits that matter has been amicably settled between the parties, who are residing in the vicinity, in terms of Memorandum of Settlement dated 14.03.2024. It is urged that scuffle took place on a minor issue over water and petitioners have clean past antecedents. Learned counsel further points out that chargesheet has been filed against Mahender / petitioner No. 1, his son Ankit / petitioner No. 2, his wife Rajdevi / petitioner No. 3 and two other neighbours namely Sheela Devi / petitioner No. 4 and Kiran / petitioner No. 5.

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 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 generalised 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 quashed despite settlement. However, distinguished from serious offences, minor incidents or offences, which don't affect the society at large or are personal in nature, 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. Petitioners and Respondent Nos. 2 & 3 are present in person and have been identified by W/SI Sanju Kumari, PS: Palam Village. 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 Nos. 2 &



3 also submit that all the disputes between the parties have been amicably settled and they have no further grievance in this regard.

9. Parties being neighbours intend to put quietus to the proceedings. 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.

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. 0353/2015, under Sections 354/323/324/34 IPC, registered at P.S.: Palam Village and the 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 10, 2024/R