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

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Date of Decision: 17.05.2024

+ CRL.M.C. 4015/2024 & CRL.M.A. 15287/2024

SALMAN @ SALMAN KHAN AND ANR. Petitioners

Through: Mr. Rashid Hasan, Mr. Arjun Singh
and Mr. Md. Shamstabrej, Advocates
with Petitioners-in-person.

versus

GOVT OF NCT OF DELHI AND ORS. Respondents

Through: Ms. Kiran Bairwa, APP for State with
SI Pardeep Malik, PS: Jamia Nagar
and 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)

1. Petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for quashing of FIR No. 0348/2022, under Sections 324/341/506/34 IPC, registered at P.S.: Jamia Nagar and proceedings emanating therefrom.
2. Issue notice. Learned APP for the State along with respondent Nos. 2 and 3 appear on advance notice and accept notice
3. In brief, as per the case of the prosecution, FIR was registered on 16.08.2022 on complaint of Mohd. Tasleem (complainant/respondent No. 2) who alleged that on 15.08.2022, while he was standing outside his uncle's shop, he objected to abusive language used by Salman (petitioner No.1) which led to an altercation between them. During the said altercation, Salman slapped Tasleem's brother (Nisar/respondent No.3) and when



complainant intervened, Salman and his friend Shazman (petitioner No.2) started assaulting him. Further when the complainant and his brother tried to leave the spot, Salman is alleged to have hit complainant on his back with a sharp edged object which led to injuries on his person. Both the accused fled from the spot after threatening respondent Nos. 2 and 3.

4. Learned counsel for petitioners submits that disputes between petitioners and respondent Nos. 2 and 3 have been amicably settled in terms of Settlement Deed dated 03.04.2024. He further submits that petitioner has clean past antecedents and incident appears to have been occurred over some minor issues / differences.

5. 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.

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 and 3 are present in person and have been identified by SI Pardeep Malik, PS: Jamia 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 Nos. 2 and 3 also state that nothing remains to be further adjudicated upon between the parties and they have no objection in case the FIR in question is quashed.

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. It would be nothing but an abuse of the process of Court. Consequently, FIR No. 0348/2022, under Sections 323/341/506/34 IPC, registered at P.S.: Jamia Nagar and proceedings emanating therefrom stand quashed.

In the facts and circumstances, instead of imposing the costs upon the



petitioners, each petitioner is directed to plant 20 saplings of trees, which are upto 03 feet in height in the local parks in the area of P.S.: Jamia Nagar 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.: Jamia Nagar. 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, each petitioner shall be liable to deposit cost of Rs. 20,000/- with the Delhi State Legal Services Authority.

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 17, 2024/R