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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. 4026/2024

SHIV RAJ DEDHA & ORS.

..... Petitioners

Through: Mr. Amit Malik, Mr. Kapil Kumar
and Mr. Akul Mehandur, Advocates
with Petitioners-in-person.

versus

STATE OF NCT OF DELHI THROUGH
STATION HOUSE OFFICER & ORS.

..... Respondents

Through: Ms. Kiran Bairwa, APP for State with
SI Deepak Kumar and ASI Gajender
Pal Singh, PS: Lajpat Nagar 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)****CRL.M.A. 15324/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of.

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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. 0227/2024, under Sections 323/341/506/34 IPC, registered at P.S.: Lajpat Nagar and proceedings emanating therefrom.
2. Issue notice. Learned APP for the State along with respondent Nos. 2 to 4 appear on advance notice and accept notice
3. In brief, as per the case of the prosecution, parties had developed



disputes on account of Student Body Election in September, 2023 and college festival in 2024. Further, on 15.04.2024, Vaibhav Jaiswal (respondent No. 2) alleged that he was assaulted by the petitioners with sticks. When his brother, Rajat Jaiswal (respondent No. 3) and Yashaswin Dugar (respondent No. 4) tried to intervene, they were also assaulted and subsequently petitioners fled from the spot after threatening them.

4. Learned counsel for petitioners submits that petitioners as well as respondent Nos. 2 to 4 are students and incident appeared to have been occurred over minor differences with respect to college elections and festival. He further submits that petitioners have clean past antecedents and injuries sustained by respondent Nos. 2 to 4 were opined to be simple in nature and they were discharged from Hospital on the same day after providing necessary treatment.

5. The disputes are stated to have been amicably settled between the parties in terms of Settlement Deed dated 10.05.2024.

6. 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.

7. 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.

8. 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.

9. Petitioners and respondent Nos. 2 to 4 are present in person and have been identified by ASI Gajender Pal Singh, PS: Lajpat 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 to 4 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.

10. Petitioners and respondent Nos. 2 to 4 being students intend to put quietus to the proceedings, which arise out of minor issues relating to college elections / festival. 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.



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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. 0227/2024, under Sections 323/341/506/34 IPC, registered at P.S.: Lajpat 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.

MAY 17, 2024/R