



2024:DHC:2397



\$~27

* IN THE HIGH COURT OF DELHI AT NEW DELHI

%

Date of Decision: 31.07.2024

+ CRL.M.C. 4050/2024

AKSHAY GOEL

..... Petitioner

Through: Mr.Sanjay Mandawat, Mr.Hyemant Kumar, Mr.Shekhar, Mr.Arvind and Mr.Yogesh, Advocates with petitioner in-person.

versus

STATE NCT OF DELHI AND ANR.

..... Respondents

Through: Ms.Manjeet Arya, APP for State with SI Naveen Kumar, PS: Keshavpuram. Ms.Navjyot Kaur, Advocate (through VC) with respondent No. 2 in-person.

CORAM:**HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA**

%

J U D G M E N T**ANOOP KUMAR MENDIRATTA, J (ORAL)**

1. Petition under Article 227 of the Constitution of India read with 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. 0361/2018, under Sections 354D/354/506/509 IPC, registered at P.S.: Keshav Puram.
2. In brief, as per the case of prosecution, present FIR was registered on complaint of respondent No. 2, who alleged that a case had been filed by Renu Goyal against her, in respect of proceedings under Section 138 NI Act. In the evening of 03.06.2018, petitioner (Akshay Goyal) son of Renu Goyal demanded money from her and when she refused, petitioner behaved inappropriately and also abused her. FIR was accordingly registered on



2024:DHC:2397



09.09.2018.

3. Learned counsel for petitioner submits that disputes have been amicably settled between the parties in terms of Compromise Deed dated 23.01.2024 and the mother of petitioner has even withdrawn the case under Section 138 NI Act in respect of dishonour of Cheque of Rs.2,00,000/- to be paid by respondent No.2. He further submits that petitioner has clean past antecedents.

Petitioner, who is present in person, confirms that there are no further cheques in possession of his mother, since respondent No.2 submits that some cheques are still in possession of mother of petitioner.

4. Respondent No. 2, who is present in person, submits that disputes have been amicably settled between the parties and she has no objection to quashing of FIR.

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. Petitioner in the present case seeks 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.

7. It may also be observed that heinous and serious offences involving



2024:DHC:2397



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.

8. Petitioner and respondent No. 2 are present in person and have been identified by SI Naveen Kumar, PS: Keshav Puram. 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 submits that since all the disputes between the parties have been amicably settled, she has no further grievance in this regard.

9. Petitioner and respondent No.2 intend to put quietus to the proceedings, since it arises out of monetary transaction. 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 petitioner has been brought to the notice of this Court.

10. Considering the facts and circumstances, since the matter has been



2024:DHC:2397



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. 0361/2018, under Sections 354D/354/506/509 IPC, registered at P.S.: Keshav Puram 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.

JULY 31, 2024/v