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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 04.10.2024

+ CRL.M.C. 3415/2024

HARVINDER SINGH

.....Petitioner

Through: Mr.Sanjay Kumar, Mr.Pulkit Chaudhary and Mr.Ujjwal, Advocates with petitioner in person.

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Ms. Manjeet Arya, APP for the State with SI Deepak Kumar, P.S. Jahangir Puri.
Mr.Neeraj Kadyan and Mr.Ravi Kant, Advocates with respondent No.2 in person.

+ CRL.M.C. 4196/2024

HARVINDER SINGH

.....Petitioner

Through: Mr.Sanjay Kumar, Mr.Pulkit Chaudhary and Mr.Ujjwal, Advocates with petitioner in person.

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Ms. Manjeet Arya, APP for the State with SI Paranjeet, P.S. Ranhola.
Mr.Neeraj Kadyan and Mr.Ravi Kant, Advocates with respondent No.2 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.C. 3415/2024****CRL.M.C. 4196/2024**

1. (i) CRL.M.C. 3415/2024 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.0089/2019, under Section 307 IPC, registered at P.S.: Jahangir Puri.

(ii) CRL.M.C. 4196/2024 under Section 482 Cr.P.C. has been preferred on behalf of the petitioner for quashing of FIR No. 0074/2020 under Sections 324/195A/506 IPC registered at P.S.: Ranhola.

2. In brief, as per the case of prosecution, FIR No.0089/2019 under Section 307 IPC was registered against the petitioner on complaint of his wife (respondent No.2 Smt.Kamaljeet Kaur) who stated that she was married with petitioner (Harvinder Singh) about 08 years prior to the incident and is blessed with two children out of the wedlock, aged about 06 years and 1.5 years respectively. She alleged that there were frequent quarrels between petitioner No.1 and respondent No.2 on petty issues and respondent No.2 due to matrimonial disputes filed a case against the petitioner. However, the same was mutually settled between parties and they started residing together. On 11.02.2019, in a quarrel over a minor issue, petitioner attacked respondent No.2 with a small knife causing cut wounds on her. When respondent No.2 screamed for help, her *Jethani* (sister-in-law) and *Devar* (brother-in-law) rescued her. Thereafter, petitioner fled from the premises and present FIR was registered on complaint of respondent No.2.

3. FIR No.0074/2020 in CRL.M.C.4196/2024, under Sections



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324/195A/506 IPC was further registered against the petitioner during pendency of earlier FIR No.0089/2019 on the basis of DD No.71A lodged at instance of respondent No.2, wherein she alleged that she has been injured by petitioner with a small knife.

4. Learned counsel for petitioner submits that the alleged incidents had occurred over minor issues on spur of moment, resulting in injuries on respondent No.2, though there was no intention to cause any serious harm to respondent No.2. The nature of injuries is stated to have been opined as 'simple'. He further submits that disputes between the petitioner and respondent No.2 have been amicably settled in terms of Compromise Deed dated 15.04.2024 and parties have been residing together since November, 2023. He emphasises that Section 307 IPC has been wrongly invoked by the prosecution though the nature of injuries sustained by respondent No.2 is simple.

Reliance is further placed upon *The State of Madhya Pradesh vs. Laxmi Narayan & Ors*, CrI. Appeal No. 349-350 of 2019, decided by Honble Apex Court on 05.03.2019 and *Mukhtiyar Ali vs. The State NCT of Delhi & Ors*, CrI.M.C. No. 2021/2021, decided by Delhi High Court on 20.09.2021.

5. Respondent No.2 who is present in person confirms that matrimonial disputes have been amicably settled between the parties and she has been residing with petitioner since November, 2023. She further submits that there has been no further incident or dispute between the parties and requests for quashing of FIR. It is also stated by her that quashing of FIR shall promote harmony between the parties and permit both the children to have companionship of both the parents as desired by them.



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6. Learned APP for the State does not dispute the factual position and submits that since the charge has been framed under Section 307 IPC, appropriate view may be taken in view of amicable settlement between the parties.

7. Petitioner in the respective cases 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.

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



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prejudice the accused.

9. Principles for quashing of FIR have been also delineated in *Gian Singh vs. State of Punjab & Anr.*, (2012) 10 SCC 303 and *Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur & Ors. vs. State of Gujarat & Anr.*, (2017) 9 SCC 641. Predicated on settlement between the parties, FIRs under Section 308/34 IPC have been quashed in *Laxman Karotia & Ors. vs. The State NCT of Delhi & Ors.*, CRL.M.C. 813/2024 decided on 16.02.2024 by Co-ordinate Bench of this Court and *Amit Kumar & Ors. vs. State & Ors.*, CRL.M.C. 2106/2024, decided on 15.03.2024 by this Court.

10. The Court has to see whether the act, irrespective of its result, was done with the intention or knowledge and under circumstances mentioned in Section 307 IPC to commit culpable homicide. Further, the intention of the accused can be ascertained from the nature of injuries as well as surrounding circumstances. Among other things, the nature of the weapon used and the severity of the blows inflicted can be considered to infer the intent. Admittedly, in the present case, the initial incident arose over a minor family dispute between the petitioner and respondent No.2. The facts and circumstances of the case do not disclose intention on the part of the petitioner to cause any serious injury, as only small cut wounds were inflicted, which have been opined to be simple in nature. Considering the totality of facts and circumstances, the offence falls under Section 324 IPC, though Section 307 IPC has been invoked in the chargesheet.

11. Petitioner and respondent No.2 are present in person and have been identified by SI Deepak Kumar, PS: Jahangir Puri and SI Paranjeet, P.S.: Ranhola. I have interacted with the parties and they confirm that the matter has been amicably settled between them without any threat, pressure or



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coercion. Respondent No.2 intends to put quietus to the proceedings arising out of matrimonial differences and has been residing with petitioner since November, 2023. The settlement shall promote harmony between the parties and permit them to move forward in life. The same shall also enable the children to have companionship of both the parents. 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.

12. 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.0089/2019, under Section 307 IPC, registered at P.S.: Jahangir Puri and FIR No. 0074/2020 under Sections 324/195A/506 IPC registered at P.S.: Ranhola along with proceedings emanating therefrom stand quashed.

13. In the facts and circumstances, instead of imposing the costs upon the petitioner, in the petitions, he is directed to plant 50 saplings of Neem/Jamun trees, which are upto 03 feet in height in the area of P.S.: Jahangir Puri/Ranhola 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.: Jahangir Puri/Ranhola. 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, the petitioner shall be liable to deposit cost of Rs.50,000/- with the



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Delhi State Legal Services Authority.

Petitions are accordingly disposed of. Pending applications, if any, also stand disposed of.

A copy of this judgment be placed in connected petition and be also forwarded to learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J

OCTOBER 04, 2024/v