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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 24.05.2024

+ CRL.M.C. 4306/2024

RAM NARAYAN

..... Petitioner

Through: Mr.Himanshu Sharma, Mr.Gaurav Sahdev, Mr.Mrinal Singh and Ms.Neha Rao, with petitioner in person.

versus

THE STATE (NCT OF DELHI) AND ANR. Respondents

Through: Ms.Kiran Bairwa, APP for State alongwith SI Lalit Kumar, P.S. Bindapur.
Mr.Shubham Shrivastava, Advocate 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.A. 16318/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 4306/2024

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. 282/2016, under Sections 323/354B/509 IPC registered at P.S.: Bindapur and proceedings emanating therefrom.



2. Issue notice. Learned APP for the State and learned counsel for respondent No.2 alongwith respondent No.2 appear on advance notice and accept notice.
3. In brief, as per the case of prosecution, FIR No. 282/2016 was registered on 03.04.2016 on complaint of respondent No.2 (daughter-in-law) against the petitioner (father-in-law) making allegations of outraging of modesty on 03.04.2016. Another FIR No.283/2026 under Sections 323/452/506 IPC was registered at P.S.: Bindapur on complaint of petitioner (father-in-law) against respondent No.2 as a cross case in respect of the same incident on 03.04.2016.
4. Learned counsel for the parties submit that FIR arises out of differences over minor issues in the family, which have been amicably settled in terms of Settlement Deed / MOU dated 05.03.2024. He further submits that petitioner (father-in-law) is a retired Government servant and is a senior citizen aged about 74 years having clean past antecedents.
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 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 in person have been identified by SI Lalit Kumar, P.S. Bindapur. 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 arising out of family issues. 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. FIR No. 283/2016, under Sections 323/452/506 IPC, registered at P.S.: Bindapur has been also separately quashed vide order dated 24.05.2024 in CRL.M.C. 4193/2024.

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. 282/2016, under Sections 323/354B/509 IPC registered at P.S.: Bindapur 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 the learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J.

MAY 24, 2024/v