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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. 4318/2024

DEVENDER KUMAR BARAL

..... Petitioner

Through: Mr.R.C.Tiwari, Ms.Suman Sharma,
Mr.Subhash Chand and Mr.Vaibhav
Jhamtani, Advocates with petitioner in
person.

versus

THE STATE NCT OF DELHI THROUGH
SHO PS VASANT KUNJ & ANR.

..... Respondents

Through: Mr.Utkarsh, APP for State with SI
Manju, P.S. Vasant Kunj, South.
Mr.Harvinder Singh, 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. 16391/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 4318/2024

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. 704/2016, under Sections 354 IPC registered at P.S.: Vasant Kunj, South 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, present FIR was registered on complaint of respondent No.2 on 17.11.2016, who alleged that petitioner who was running NGO at the relevant time, had outraged her modesty.
4. Learned counsel for the petitioner submits that present FIR has been lodged on account of some differences which have been amicably resolved in terms of Settlement Deed dated 15.05.2024. He further submits that petitioner is a senior citizen aged about 61 years and has clean past antecedents.
5. Learned APP for the State submits that in view of amicable settlement between the parties, he 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 Manju, P.S. Vasant Kunj, South. 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 some differences. 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.

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. 704/2016, under Sections 354 IPC registered at P.S.: Vasant Kunj, South and proceedings emanating therefrom stand quashed.

10. In the facts and circumstances, instead of imposing the costs upon the petitioner, he is directed to plant 30 saplings of trees, which are upto 03 feet in height in the local part or in the area of P.S. Vasant Kunj, South 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. Vasant Kunj, South. 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. 30,000/- 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 the learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J.

MAY 24, 2024/v