



2024:DHC:5640



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 31.07.2024

+ W.P.(CRL) 1718/2024 & CRL.M.A. 16693/2024

GULSHAN VERMA & ORS.

..... Petitioners

Through: Mr.Sanjeev Malik, Ms.Shivani Mehta
and Mr.Madan Tiwari, Advocates
with petitioner in person

versus

STATE NCT OF DELHI & ORS.

..... Respondents

Through: Mr.Yasir Rauf Ansari, ASC (Crl.) for
State with Mr.Praveen Kumar Jain,
Mr.Pranav Dabar, Ms.Shriya Sharma,
Mr.Hitesh Mehta and Mr.Niket
Kumar, Advocates alongwith SI
Sumit, P.S. Jagat Puri.
Mr.Rana Kunal, Mr.Apoorv Malik
and Mr.Manoj Kumar Rana,
Advocates with respondent No.2 & 3
in person.

+ W.P.(CRL) 1786/2024 & CRL.M.A. 17347/2024

VICKY BHOLA AND ANR.

..... Petitioners

Through: Mr.Rana Kunal, Mr.Apoorv Malik
and Mr.Manoj Kumar Rana,
Advocates with petitioners in person

versus

STATE NCT OF DELHI & ORS.

..... Respondents

Through: Mr.Yasir Rauf Ansari, ASC (Crl.) for
State with Mr.Praveen Kumar Jain,
Mr.Pranav Dabar, Ms.Shriya Sharma,
Mr.Hitesh Mehta and Mr.Niket
Kumar, Advocates alongwith SI
Sumit, P.S. Jagat Puri.
Mr.Sanjeev Malik, Ms.Shivani Mehta



2024:DHC:5640



and Mr.Madan Tiwari, Advocates
with respondent No.2 to 6 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. 17348/2024 in W.P.(CRL) 1786/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

W.P.(CRL) 1718/2024 & CRL.M.A. 16693/2024

W.P.(CRL) 1786/2024 & CRL.M.A. 17347/2024

1. W.P.(CRL) 1718/2024 under Article 226 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 petitioners for quashing of FIR No. 0121/2024, under Sections 323/341/336/506/34 IPC & Sections 27/29 of Arms Act registered at P.S.: Jagat Puri and proceedings emanating therefrom.
2. W.P.(CRL) 1786/2024 under Article 226 of the Constitution of India read with Section 482 Cr.P.C. has been preferred on behalf of petitioners, (respondent No.2 & 3 in W.P.(CRL) 1718/2024) for quashing of FIR No. 0122/2024, under Sections 323/341/354/452/506/509/34 IPC registered at P.S.: Jagat Puri and proceedings emanating therefrom.
3. (i) In brief, FIR No. 0121/2024 in W.P.(CRL) 1718/2024 was registered on complaint of respondent No.2 (Vicky Bhola) who alleged that on 09.02.2024 at about 11:00 pm he telephonically called accused Gulshan Verma to reduce the volume of sound, as his children were getting disturbed. However, when complainant went down stairs, he was abused and assaulted.



Thereafter, wife of complainant took him inside the room when Gulshan Verma, 'S' and 'P' came and asked the complainant to vacate the house.

It is further the case of the prosecution that complainant called his friend Charanjeet and Himanshu for help, since things got heated up and Gulshan Verma brought a pistol and fired twice in the air.

(ii) FIR No. 0122/2024 in W.P.(CRL) 1786/2024 was registered on statement of 'P' (sister of Gulshan Verma), who alleged that a small party was organised in view of birthday of her sister-in-law. At around 11:15 pm, Vicky Bhola (complainant in FIR No.0121/2024), called Gulshan Verma and asked him to reduce the sound on which he was informed that the same would be stopped shortly. However, an argument ensued after Vicky Bhola alongwith Charanjeet Malik forcibly entered their house and further abused, assaulted and inappropriately behaved with the women. The accused were further joined with other two friends who she does not recognize.

Learned ASC for the State clarifies that chargesheet has been filed only against Vicky Bhola and Charanjeet Malik, since identity of other two accused could not be established in investigation.

4. Learned counsels for respective petitioners and respondents submit that dispute between the parties arise out of landlord-tenant relationship which arose over a minor issue of playing music and have been amicably settled between the parties in terms of Compromise Deeds dated 16.03.2024 and 17.05.2024. It is emphasised that shots were allegedly fired by Gulshan Verma from a licensed pistol which was verified during the course of investigation, to prevent escalation of issue. It is also informed that Vicky Bhola has since vacated the premises. Petitioners in respective cases are also claimed to have clean past antecedents.



5. Learned ASC for the State submits that in view of amicable settlement between the parties, he has no objection in case the FIRs in question are quashed.

6. Petitioners in present FIR's seek 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. Parties are present in person and have been identified by SI Sumit, P.S. Jagat Puri. I have interacted with the parties and they confirm that the matter has been amicably settled between them without any threat, pressure or coercion. Respondents in respective cross cases submit that since all the disputes between the parties have been amicably settled, they have no further grievance in this regard.

9. Parties intend to put quietus to the proceedings arising out of minor issue of playing of music. 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 petitioners has been brought to the notice of this Court.

10. 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. 0121/2024, under Sections 323/341/336/506/34 IPC & Sections 27/29 of Arms Act and FIR No. 0122/2024, under Sections 323/341/354/452/506/509/34 IPC, both registered at P.S. Jagat Puri and proceedings emanating therefrom stand quashed.

11. In the facts and circumstances, instead of imposing the costs upon the petitioners in both petitions, they are directed to plant 30 saplings of neem trees each, which are upto 03 feet in height in the area of P.S. Jagat Puri 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. Jagat Puri. The



2024:DHC:5640



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 petitioners shall be liable to deposit cost of Rs. 30,000/- each with the Delhi State Legal Services Authority.

Petitions are 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.

A copy of this order be kept in connected petition.

ANOOP KUMAR MENDIRATTA, J.

JULY 31, 2024/v