



2024:DHC:5488



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 25.07.2024

+ W.P.(CRL) 1738/2024

MD KASIB AND ORS.

..... Petitioners

Through: Mr.B.S.Yadav, Advocate with
petitioners in person.

versus

THE STATE (GOVT OF NCT OF DELHI) & ANR.... Respondents

Through: Mr.Yasir Rauf Ansari, ASC (Crl.) for
State with Mr.Alok Sharma and
Mr.Vasu Agarwal, Advocates with SI
Paranjeet Singh, P.S. Ranhola.
Mr.Zubeh Ahmed, 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)**

1. Petition 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 the petitioners for quashing of FIR No.897/2021, under Sections 498A/323 IPC registered at P.S. Ranhola and proceedings emanating therefrom.

2. In brief, as per the case of the petitioners, marriage between petitioner No.1 and respondent No. 2 was solemnized according to Muslims rites and ceremonies on 23.03.2020. A male child was born out of the wedlock who is presently in custody of respondent No.2. Due to temperamental differences, petitioner No.1 and respondent No.2 started living separately. On complaint



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of respondent No. 2, present FIR was registered on 22.12.2021.

3. The disputes are stated to have been amicably settled between the parties in terms of Settlement dated 27.04.2023. Petitioner No.1 and respondent No.2 are stated to have been divorced on 23.04.2024, as per settlement.

4. Petitioner No.1 who is present in person submits that though it has been recorded that child will not have any right in moveable or immoveable property of petitioner No.1, the said condition is not insisted upon between the parties and child shall have rights in accordance with law. The statement/admission of petitioner No.1 is taken on record.

5. An amount of Rs.3,00,000/- has been paid to respondent No.2 today through DD No.528761 dated 09.07.2024 drawn on Ujjivan Small Finance Bank, Uttam Nagar Branch in favour of respondent No.2.

6. Learned ASC 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.

7. Petitioners in the present case 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.

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 prejudice the accused.

9. Petitioners and respondent No. 2 are present in person and have been identified by SI Paranjeet Singh, 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 coercion. Respondent No. 2 also states that nothing remains to be further adjudicated upon between the parties and she has no objection in case the FIR in question is quashed.

10. Petitioners and respondent No.2 intend to put quietus to the proceedings arising out of matrimonial 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 petitioners has been brought to the notice of this Court.

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



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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.897/2021, under Sections 498A/323 IPC registered at P.S. Ranhola 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 25, 2024/v