



2024:DHC:6290



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 30.07.2024

+ CRL.M.C. 4783/2024

BHUSHAN TIWARI & ANR.

.....Petitioners

Through: Ms. Qurratulain, Advocate alongwith
petitioner no.1 in person.

versus

STATE OF NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Aman Usman, APP for State with
Ms. Ankita Kaushik, Ms. Vasuchit
Anand, Mr. Shashank Harit, Mr.
Anvesh Chandila, Ms. Anshu and Ms.
Daman Khari, Advocates alongwith
IO SI Shiv Om and SI Sandeep Singh
P.S. Ghazipur.
Mod. Ishrafil Ansari, Advocate for R-
2 alongwith R-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 Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') read with Article 227 of the Constitution of India has been preferred on behalf of the petitioners for quashing of FIR No. 420/2016, under Sections 498A/406/506/34 IPC, registered at PS: Ghazipur 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 Hindu rites and



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ceremonies on 11.07.2013. A male child was born out of the wedlock, who is presently in custody of respondent No. 2. Due to matrimonial differences, petitioner No. 1 and respondent No. 2 started living separately. On complaint of respondent No. 2, present FIR was registered on 19.09.2016.

3. The disputes have been amicably settled between the parties in terms of Settlement Deed dated 02.03.2020. The marriage between petitioner No. 1 and respondent No. 2 has been dissolved by decree of divorce by way of mutual consent under Section 13B(2) of the Hindu Marriage Act vide judgment dated 12.12.2022.

4. A balance amount of Rs.1,00,000/- (One Lakh Only) has been paid to respondent No.2 today through DD No.983907 dated July 26, 2024 drawn on State Bank of India, Ghazipur, Delhi, in favour of respondent No.2 towards full and final settlement between the parties.

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. 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.

7. It may also be observed that heinous and serious offences involving



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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. Petitioners and respondent No. 2 are present in person and have been identified by SI Shiv Om, PS: Ghazipur. 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.

9. Petitioners and respondents 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.

10. Considering the facts and circumstances, since the matter has been amicably settled between the parties, no useful purpose shall be served by



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keeping the case pending. It would be nothing but an abuse of the process of Court. Consequently, FIR No. 420/2016, under Sections 498A/406/506/34 IPC, registered at PS: Ghazipur 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 learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J.

JULY 30, 2024/ssc