



2024:DHC:5758



\$~28 &amp; 29

\* IN THE HIGH COURT OF DELHI AT NEW DELHI

%

Date of Decision: 02.08.2024

+ CRL.M.C. 4999/2024

ANKIT ALIAS JUGNU AND ANR

.....Petitioners

Through: Mr. Ankit Kuamr Lohan and Mr.  
Arpit Bamal, Advocates.

versus

STATE OF NCT OF DELHI AND ANR

.....Respondents

Through: Ms. Meenakshi Dahiya, APP for the  
State with SI Sukhchain, PS Nihal  
Vihar.Mr. Abhishek Sharma and Ms.  
Deepika Narwal, Advocates for R-2  
along R-2 in person.

+ CRL.M.C. 5001/2024

SANTOSH KUMAR AND ANR

.....Petitioners

Through: Mr. Abhishek Sharma and Ms.  
Deepika Narwal, Advocates alongwith  
petitioners in person.

versus

STATE OF NCT OF DELHI AND ORS.

.....Respondents

Through: Ms. Manjeet Arya, APP for the State  
with SI Sukhchain, PS Nihal Vihar.  
Mr. Ankit Kumar Lohan and Mr.  
Arpit Bamal, Advocates for R-2 and 3.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

%

**J U D G M E N T****ANOOP KUMAR MENDIRATTA, J (ORAL)****CRL.M.A. 19113/2024 In CRL.M.C. 4999/2024**

**CRL.M.A. 19116/2024 In CRL.M.C. 5001/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of.

**CRL.M.C. 4999/2024****CRL.M.C. 5001/2024**

1. CRL.M.C. 4999/2024 under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioners (Ankit @ Jugnu and Adesh Kumar @ Bittu) for quashing of FIR No. 0784/2021, under Sections 323/342/452/506/34 IPC, registered at PS: Nihal Vihar and proceedings emanating therefrom.
2. CRL.M.C. 5001/2024 under Section 482 Cr.P.C. has been preferred on behalf of petitioners (Santosh Kumar and Surender Baghel) for quashing of FIR No. 0786/2021, under Sections 325/341/34 IPC, registered at PS: Nihal Vihar and proceedings emanating therefrom.
3. Issue notice. Learned APP/s for the State and learned counsel for respondents in respective cases appear on advance notice and accept notice.
4. In brief, FIR No. 0784/2021 was registered at instance of Surender Baghel who alleged that in the evening of 14.07.2021 at about 8:30 PM while he was present in his shop, three unknown persons entered the shop and assaulted him alongwith Santosh. He further alleged that during scuffle the face of one of the accused was unmuffled and he could identify him. During the course of investigation, accused were identified as Ankit @ Jugnu, Adesh Kumar @ Bittu, and Chanchal Rana (since deceased).
5. FIR No. 0786/2021 was registered as a cross case by Chanchal Rana (since deceased). He alleged that he was running a business of building material supply and was requested by Ankit to accompany him. Thereafter he alongwith Ankit and Bittu reached the shop of Surender since there was



an issue regarding payment of gas cylinder. Further, before reaching the shop, Bittu had picked up a toy gun of his son available in the car. There was argument and quarrel at the shop wherein complainant alongwith Ankit and Bittu were assaulted.

6. Learned counsel for the petitioners as well as for respondents inform that Chanchal Rana who was complainant in FIR No. 786/2021 has since expired and he is represented by his LRs (i.e. mother Smt. Munesh and wife Smt. Renu (respondent no. 2 and 3 in CRL.M.C. 5001/2024)). They urge that disputes between the parties arose over a minor issue of payment of gas cylinder which has since been amicably resolved. It is pointed out that petitioners in respective cases have clean past antecedents.

7. Learned APP/s for the State, on instructions of IO, submit that in view of amicable settlement between the parties, they have no objection in case the FIRs in question are quashed.

8. Petitioners in the present cases 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.

9. 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.

**10.** Petitioners and respondents have been identified by IO. I have interacted with the parties and they confirm that the matter has been amicably settled between them without any threat, pressure or coercion. Further, since all the disputes between the parties have been amicably settled, they have objection for quashing of FIR.

**11.** Parties intend to put quietus to the proceedings. 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.

**12.** 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. 0784/2021, under Sections 323/342/452/506/34 IPC and FIR No. 0786/2021, under Sections



2024:DHC:5758



325/341/34 IPC, both registered at P.S.: Nihal Vihar and proceedings emanating therefrom stand quashed.

**13.** In the facts and circumstances, instead of imposing the costs upon the petitioners in respective cases, are directed to plant 50 saplings of Neem trees each, which are upto 03 feet in height in the area of Nihal Vihar 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 IOs / SHOs, PS: Nihal Vihar. The photographs of planted saplings alongwith report of IOs / SHOs 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, petitioners in respective petitions shall be liable to deposit cost of Rs. 50,000/- 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**

**AUGUST 2, 2024**

*p*