



2024:DHC:4974



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 05.07.2024

+ CRL.M.C. 5054/2024

ANURAG NANDA AND ANR.

..... Petitioners

Through: Mr.Prakhar Sharma, Mr.Harshit Jain
and Mr.Shubham Singh, Advocates
with petitioner No.1 in person

versus

STATE AND ANR.

..... Respondents

Through: Mr.Nawal Kishore Jha, APP for State
with SI Neeraj, P.S. Subzi Mandi.
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. 19317/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 5054/2024

1. Petition under 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. 18/2014, under Sections 354A/504/509 IPC registered at P.S.: Subzi Mandi 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 the petitioners, present FIR was registered on complaint of respondent No.2 who alleged that on 20.01.2014 while she was present in her balcony, there was an altercation as the petitioners alleged throwing of garbage by respondent No.2, which was followed by assault and eve-teasing by the petitioners.

4. Learned counsel for the petitioners submits that petitioner No.1 is aged about 52 years and petitioner No.2 is now aged about 85 years. He further submits that third accused who was the father of the petitioner No.1 (namely Hakikat Rai Nanda) has since expired and a copy of the death certificate has been filed on record. It is urged that the disputes over minor issue have since been amicably resolved between the parties in terms of Settlement Deed dated 03.05.2024.

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. 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 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 No.1, respondent No. 2 are present in person and petitioner No.2 (through VC) and have been identified by SI Neeraj, P.S. Subzi Mandi. 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 though conduct of petitioners has not been fair but since all the disputes between the parties have been amicably settled, she has no further grievance in this regard. Further she has shifted from said premises.

9. Petitioners and respondent No.2 intend to put quietus to the proceedings arising out of some differences over a minor issue. 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.



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. 18/2014, under Sections 354A/504/509 IPC registered at P.S.: Subzi Mandi and proceedings emanating therefrom stand quashed.

10. In the facts and circumstances, instead of imposing the costs upon the petitioners, petitioner No.1 is directed to plant 100 saplings of trees, which are upto 03 feet in height in the area of Roshan Aara Bagh 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. Subzi Mandi. 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 petitioners shall be liable to deposit cost of Rs. 50,000/- 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.

JULY 05, 2024/v