



2024:DHC:5308



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 18.07.2024

+ CRL.M.C. 5148/2024 & CRL.M.A. 19623/2024

ZEESHAN AHMED & ORS

..... Petitioners

Through: Mr.Lakshay Luthra, Advocate with
petitioners in person.

versus

STATE AND ORS.

..... Respondents

Through: Ms.Kiran Bairwa, APP for State with
SI Arvind Verma, P.S. Gokul Puri.
Respondent No.2 to 4 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.') has been preferred on behalf of the petitioners for quashing of FIR No. 0265/2024, under Sections 308/323/34 IPC, registered at P.S.: Gokul Puri and proceedings emanating therefrom.
2. Issue notice. Learned APP for the State along with respondent No. 2 to 4 appear on advance notice and accept notice
3. In brief, as per the case of prosecution, present FIR was registered on 18.06.2024 on complaint of Mohd. Azeem (respondent No.2) as there was an altercation between the petitioners and respondent No.2 to 4 on supply of substandard pizza by respondent No.2 who was running a restaurant. Respondent No.2 to 4 are further alleged to have been assaulted by petitioners. Accordingly, FIR was registered under Sections 308/323/34 IPC



at P.S. Gokul Puri.

4. Learned counsel for the petitioners submits that petitioners are students aged between 20 to 23 years with clean past antecedents. The incident is stated to have arisen over a minor issue of supplying of a substandard pizza by respondent No.2. The nature of the injuries suffered by respondent No.2 to 4 is stated to be simple in nature and were discharged from the hospital on the same day. Respondent No.2 to 4 are also stated to have been duly compensated and disputes amicably settled in terms of Settlement Deed dated 26.06.2024.

5. An amount of Rs.1,00,000/- has been paid to respondent No.2 to 4 today through Cheque No.126075 dated 18.07.2024 drawn on Punjab National Bank, Mustafabad, Delhi Branch in favour of respondent No.2.

6. 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.

7. 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.

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. Principles for quashing of FIR have been delineated in *Gian Singh vs. State of Punjab & Anr.*, (2012) 10 SCC 303 and *Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur & Ors. vs. State of Gujarat & Anr.*, (2017) 9 SCC 641. Predicated on settlement between the parties, FIRs under Sections 308/323/341/34 IPC have been quashed in '*Laxman Karotia & Ors. vs. The State NCT of Delhi & Ors.*', CRL.M.C. 813/2024 decided on 16.02.2024 by Co-ordinate Bench of this Court and '*Amit Kumar & Ors. vs. State & Ors.*', CRL.M.C. 2106/2024, decided on 15.03.2024 by this Court.

10. Petitioners and Respondent No.2 to 4 are present in person and have been identified by SI Arvind Verma, P.S. Gokul 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. Respondent No. 2 to 4 also submit that since all the disputes between the parties have been amicably settled, they have no objection for quashing of FIR.



2024:DHC:5308



11. Parties intend to put quietus to the proceedings arising out of a minor issue of supply of substandard pizza and intend to move forward in life. The settlement shall promote harmony between the parties. The chances of conviction are bleak in view of settlement between the parties. Further, no past involvement of the petitioners has been brought to the notice of this Court who are stated to be students at relevant time.

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. 0265/2024, under Sections 308/323/34 IPC, registered at P.S.: Gokul Puri 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 the learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J.

JULY 18, 2024/v