



2024:DHC:7270



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 20.09.2024

+ CRL.M.C. 5257/2024

PRAVEEN KUMAR KASANA & ORS.

.....Petitioners

Through: Mr.Harjeet Narang and Ms.Twinkle
Chawla, Advocates with petitioners in
person.

versus

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

Through: Ms.Manjeet Arya, APP for State with
SI Amit Kumar, P.S. Patparganj
Industrial Area.

Mr.Tushar Malhotra and Mr.Nitin
Aggarwal, Advocates with respondent
No.2 to 5 in person.

+ CRL.M.C. 5273/2024

MEENA KUMARI & ORS.

.....Petitioners

Through: Mr.Tushar Malhotra and Mr.Nitin
Aggarwal, Advocates with petitioners
in person

versus

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

Through: Ms.Manjeet Arya, APP for State with
SI Amit Kumar, P.S. Patparganj
Industrial Area.

Mr.Harjeet Narang and Ms.Twinkle
Chawla, Advocates with respondent
No.2 to 6 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)



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**CRL.M.C. 5273/2024****CRL.M.C. 5257/2024**

1. (i) CRL.M.C. 5273/2024 under Section 482 Cr.P.C. has been preferred on behalf of the petitioners (14 accused) for quashing of FIR No.0066/2022, under Sections 147/148/149/354/452/34 IPC, registered at P.S.: Patparganj Industrial Area and proceedings emanating therefrom.

(ii) CRL.M.C. 5257/2024 under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioners (7 accused) for quashing of cross FIR No. 0067/2022 under Sections 147/148/149/354/34 IPC registered at P.S.: Patparganj Industrial Area and proceedings emanating therefrom.

2. In brief, as per the case of prosecution, FIR No.0066/2022 in CRL.M.C. 5273/2024, under Sections 147/148/149/354/452/34 IPC was registered against petitioners on complaint of respondent No.2 'MS' (XYZ) who alleged that on 12.01.2022, while he was collecting rent from the tenants, his daughter-in-law 'MD', granddaughter 'K' and grandson 'H' trespassed his house with 10-15 persons, namely A, Sanjay, Neeru, Vishu, J, Shakti, Akshay, Aman, Khushboo, Kresh and Meva, (petitioner No.4 to 14 in CRL.M.C. 5273/2024) who assaulted family members of respondent No.2 with sticks and daughter of complainant 'P' was inappropriately touched. Also threats are stated to have been extended to him.

3. FIR No. 0067/2022 in CRL.M.C.5257/2024, under Sections 147/148/149/354/34, was registered as cross FIR against petitioners (07 accused) on complaint of respondent No.2 'MD' (XYZ) who alleged that on 12.01.2022, Praveen Kumar (petitioner No.1) and Yuvraj Rathi @ Golu (petitioner No.2), were throwing articles and belongings of tenants outside premises which was opposed by complainant, on which complainant was



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assaulted and inappropriately touched. Further a similar treatment was meted out to her daughter when she reached at the spot. Complainant and her daughter escaped from the spot, however, after some time P (daughter of MS/petitioner No.5), Chander Kanta (petitioner No.4), MS (petitioner No.3), Usha (petitioner No.6) and Kavita (petitioner No.7) gathered and misbehaved with complainant. Son of complainant alongwith brothers of complainant (respondent No.4 & 5) are also alleged to have been assaulted.

4. Learned counsel for the parties submit that incident arose between the parties who are close relatives over sharing of benefits of the proceeds of rent received from the tenants. He further submits that disputes have been amicably settled between the parties vide Settlement Deed dated 01.03.2024 and they have no further grievance in this regard.

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 respective 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.

7. It may also be observed that heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot be



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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. Parties are present in person and have been identified by SI Amit Kumar, PS: Patparganj Industrial Area. I have interacted with the parties and they confirm that the matter has been amicably settled between them without any threat, pressure or coercion. Respondents in respective petitions submit that since all the disputes between the parties have been amicably settled, they have no objection in quashing of FIR.

9. Parties being close relatives intend to put quietus to the proceedings arising out of benefits to be shared out of proceeds of rent received from the tenants. 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.

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. Continuation of proceedings would be nothing but an abuse of the process of Court. Consequently, FIR No.0066/2022, under Sections 147/148/149/354/452/34 IPC and FIR No.0067/2022 under Sections 147/148/149/354/34 IPC, both registered at P.S.: Patparganj Industrial Area and proceedings emanating therefrom stand quashed.

11. In the facts and circumstances, instead of imposing the costs upon the petitioners, in the respective petitions, they are directed to plant 20 saplings of Neem / Jamun trees each, which are upto 03 feet in height in the area of P.S.: Patparganj Industrial Area 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.: Patparganj Industrial Area. 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. 20,000/- 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 learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J

SEPTEMBER 20, 2024/v