



2024:DHC:5225



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 15.07.2024

+ CRL.M.C. 5326/2024

GULFAM KHAN & ANR.

..... Petitioners

Through: Mr. Vinayak Bhandari, Ms. Jaisal Singh and Ms. Teesta Mishra, Advocates with Petitioners-in-person.

versus

THE STATE NCT OF DELHI & ORS.

..... Respondents

Through: Ms. Manjeet Arya, APP for State with SI Heera Lal, PS: Wazirabad.
Respondent Nos. 2 to 4 in-person with their counsel.

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. 0411/2020, under Sections 308/34 IPC, registered at PS: Wazirabad and proceedings emanating therefrom.
2. Issue notice. Learned APP for the State and learned counsel for respondent Nos. 2 to 4 along with respondent Nos. 2 to 4 appear on advance notice and accept notice.
3. In brief, present FIR No. 0411/2020 was registered on 23.09.2020 on complaint of Sultan (respondent No. 2), who alleged that on 21.09.2020 respondent Nos. 2 to 4 were assaulted with iron pan and stick by the petitioners in a scuffle.



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Learned counsel for petitioners clarifies that initially FIR No. 0410/2020 under Section 308/34 IPC was registered at instance of petitioners against respondent Nos. 2 to 4 on 23.09.2020 with reference to scuffle on 21.09.2020, which stands quashed vide judgment dated 17.05.2024 passed by Hon'ble Ms. Justice Jyoti Singh in CRL.M.C. 4018/2024.

4. Respondent Nos. 2 to 4, who are present in person, admit that disputes have been amicably settled between the parties in terms of Settlement Deed dated 26.02.2024 without any threat, pressure or coercion. They further submit that they have no objection in case present FIR is quashed.

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 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. 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.

9. Petitioners and respondent Nos. 2 to 4 are present in person and have been identified by SI Heera Lal, PS: Wazirabad. 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 Nos. 2 to 4 submit that all the disputes between the parties have been amicably settled and they have no further grievance in this regard.

10. Apparently, both the petitioners and respondent Nos. 2 to 4 registered cross-cases. FIR No. 0410/2020, under Sections 308/34, registered at



PS: Wazirabad already stands quashed vide judgment dated 17.05.2024 in CRL.M.C. 4018/2024 passed by Hon'ble Ms. Justice Jyoti Singh.

Parties intend to put quietus to the proceedings, since the disputes arise out of scuffle over a minor issue. The nature of injuries suffered by respondent No.2 to 4 are simple in nature. 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.

11. 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. 0411/2020, under Sections 308/34 IPC, registered at PS: Wazirabad 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 15, 2024/R