



2024:DHC:5296



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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. 5383/2024

SUNIL

..... Petitioners

Through: Mr.Vinod Kumar Pandey,
Mr.Abhigyan and Mr.S.P.Tripathi,
Advocates with petitioner in person.

versus

STATE & ANR.

..... Respondents

Through: Ms.Kiran Bairwa, APP for State with
SI Vivek, P.S. Mayur Vihar.
Mr.H.Rehman and Mr.Raj Kumar,
Advocates with respondent No.2 in
person.

+ CRL.M.C. 5390/2024

RAVINDER KUMAR @ RAVI

.....Petitioner

Through: Mr.H.Rehman and Mr.Raj Kumar,
Advocates with petitioner in person.

versus

STATE NCT OF DELHI AND ORS.

.....Respondents

Through: Ms.Kiran Bairwa, APP for State with
SI Vivek, P.S. Mayur Vihar Phase-I.
Mr.Vinod Kumar Pandey,
Mr.Abhigyan and Mr.S.P.Tripathi,
Advocates with respondents No.2 and
3 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. 20620/2024 in CRL.M.C. 5383/2024

CRL.M.A. 20639/2024 in CRL.M.C. 5390/2024

Exemptions allowed, subject to just exceptions.



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Applications stand disposed of.

CRL.M.C. 5383/2024 & CRL.M.C. 5390/2024

1. CRL.M.C. 5383/2024 under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of Sunil for quashing of FIR No. 0497/2020, under Sections 308 IPC, registered at P.S.: Mayur Vihar Phase-I and proceedings emanating therefrom.

CRL.M.C. 5390/2024 under Section 528 of BNSS has been preferred on behalf of Ravinder for quashing of FIR No. 0495/2020, under Sections 308 IPC, registered at P.S.: Mayur Vihar Phase-I and proceedings emanating therefrom. Charge has been framed under Section 323 IPC.

2. Issue notice. Learned APP for the State and counsels for respondent No. 2 in respective FIRs along with respondent No. 2 appear on advance notice and accept notice

3. In brief, as per the case of prosecution, FIR No. 0495/2020 in CRL.M.C. 5390/2024, under Sections 308/323 IPC was registered on complaint of Sunil who alleged that there was an altercation over a minor issue of parking of cycle, whereupon his brother alongwith wife abused his children and on objection, he was pushed from the staircase resulting in injuries on his person. Further when his son Harsh came to his aid, his arm was also twisted by Ravinder. He also claimed to have pushed his brother during assault.

FIR No. 0497/2020 in CRL.M.C. 5383/2024, under Sections 308 IPC was registered as cross FIR, on complaint of Ravinder (respondent No.2 in CRL.M.C. 5383/2024) who alleged that on 13.10.2020 around 7:20 pm there was an altercation over a minor issue of parking of cycle with Sunil's daughter in front of gate of his house. He further alleged that since he



removed cycle from the gate, he was attacked by Sunil with a sharp edged object. Further, as he pushed Sunil in order to save himself, he was hit with a piece of brick lying on the floor by Sunil, resulting in injuries on his person.

4. Learned counsel for the parties submit that incident arose between the real brothers over minor altercation, which has been amicably settled in terms of Settlement Deed dated 01.02.2024. It is further submitted that nature of the injuries suffered by both Ravinder and Sunil was simple in nature and were discharged from the hospital on the same day.

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 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 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. Parties are present in person and have been identified by SI Vivek, P.S. Mayur Vihar Phase-I. 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 in respective petitions also submits that since all the disputes between the parties have been amicably settled, they have no objection in quashing of FIR.

10. Parties intend to put quietus to the proceedings arising out of minor altercation. The settlement shall promote harmony between the parties. The chances of conviction are bleak in view of settlement between the parties. The nature of injuries suffered by complainants in respective FIRs was



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‘simple’. 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. 0495/2020, under Sections 308/323 IPC and FIR No. 0497/2020, under Sections 308 IPC, both registered at P.S.: Mayur Vihar Phase-I and proceedings emanating therefrom stand quashed.

12. In the facts and circumstances, instead of imposing the costs upon the petitioners in both petitions, they are directed to plant 20 saplings of neem trees each, which are upto 03 feet in height in the area of P.S. Mayur Vihar Phase-I 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. Mayur Vihar Phase-I. 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 the learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J.

JULY 18, 2024/v