



2024:DHC:5290



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 18.07.2024

+ W.P.(CRL) 2134/2024

SH. CHANDER PRAKASH

..... Petitioner

Through: Mr. Braj K. Roy, Mr.Narender Kumar,
Mr. Aadhar Gaur and Mr. Ajay
Goswami, Advocates with Petitioner
in-person.

versus

THE STATE NCT OF DELHI AND ANR.

..... Respondents

Through: Mr. Rahul Tyagi, ASC for State with
SI Ghanshyam, PS: Sarai Rohilla.
Ms. Anita and Mr. Polachan K. A.,
Advocates for R-2 with R-2.

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. 20724/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of.

W.P.(CRL) 2134/2024

1. Writ Petition under Article 226 of the Constitution of India read with Section 428 of Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of the petitioner for quashing of FIR No. 0578/2022, under Section 354/354(A)/506 IPC, registered at PS: Sarai Rohilla.

2. Issue notice. Learned ASC for the State along with learned counsel for respondent No. 2 along with respondent No. 2 appear on advance notice and accept notice.



3. In brief, as per the case of the prosecution, present FIR was registered on 07.09.2022 on complaint of respondent No. 2, who alleged that on 04.06.2019 her husband committed suicide and thereafter, she had been residing with her in laws to raise her two children. Her mother-in-law also expired on 25.05.2022 and thereafter, her father-in-law deliberately looked for excuses to speak to her without any reason and also threatened her to make relations with him, as per his instructions.

On 04.08.2022, petitioner is alleged to have outraged modesty of respondent No. 2. Thereupon, she called her sister-in-law 'Ms. M', upon which petitioner apologized in presence of other family members. The incident is alleged to have been repeated on 01.09.2022 and thereafter, the petitioner vacated the house on being confronted, after handing over a letter. She further alleged that no action was taken by the police despite filing of complaint.

4. Learned counsel for the petitioner submits that petitioner is aged about 73 years and has three married daughters. Further disputes are stated to have arisen over inheritance of the property belonging to the petitioner after unfortunate demise of his son, which led to registration of present FIR only on 07.09.2022 though incident is alleged to have occurred on 01.09.2022. He further submits that there is no reason that FIR could not have registered in case any such incident had occurred on 01.09.2022.

5. Petitioner and respondent No.2 submit that disputes have been settled in terms of MoU dated 06.12.2023 without any threat pressure or coercion. Further as agreed between the parties, steps would be taken for transfer of property possessed by the petitioner in favour of respondent No. 2.

6. Learned ASC 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.

7. Petitioner in the present case seeks 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. Petitioner and respondent No. 2 are present in person and have been



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identified by SI Shivom, PS: Madhu Vihar. I have interacted with the parties and they confirm that the matter has been amicably settled between them without any threat, pressure or coercion. Disputes primarily appear to have arisen on account of differences between the parties after the unfortunate suicide by the son of the petitioner. Respondent No. 2 submits that since all the disputes between the parties have been amicably settled, she has no further grievance in this regard and has no objection in case FIR in question is quashed.

10. Petitioner and respondents No. 2 intend to put quietus to the proceedings arising out over the issue of property. 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 petitioner 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. 0578/2022, under Section 354/354(A)/506 IPC, registered at PS: Sarai Rohilla 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 18, 2024/R