



2024:DHC:6549



\$~32

* IN THE HIGH COURT OF DELHI AT NEW DELHI

%

Date of Decision: 29.08.2024

+ CRL.M.C. 5458/2024

VIJAY KUMAR AND ANR.

.....Petitioners

Through: Mr. Durgesh Pandey, Ms. Surabhi
Kukreti and Ms. Ritika Davis, Advs.

versus

STATE NCT OF DELHI AND ANR.

.....Respondents

Through: Ms. Mnjeet Arya, APP for State with
SI Sanjeev Tomar, PS: Uttam Nagar
and SI Arti, PS: Najafgarh.
Ms. Nishita Sharma and Ms. Rashmi,
Advs. for R-2.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

%

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. 0276/2018, under Sections 354/323/506/34 IPC, registered at PS: Najafgarh and proceedings emanating therefrom. Chargesheet has been filed under Sections 354/354B/323/506/34 IPC.

2. In brief, as per the case of the prosecution, FIR was registered on 02.10.2018, on complaint of respondent No. 2, who alleged that on 30.09.2018, when she along with her husband and children was shopping in furniture market, Najafgarh, Delhi, petitioners abused and threatened to kill them. Further, petitioners used foul language and inappropriately behaved and touched her.



It is further the case of prosecution that during course of investigation, husband of respondent No. 2 / victim stated that petitioners are his friends and they had demanded some money from him. However, on 30.09.2018, when he asked them to return the money, they threatened him and inappropriately behaved with his wife.

3. Learned counsel for the petitioners submits that petitioners and husband of respondent No. 2 were friends and closely known to each other. The disputes are stated to be over some monetary issue, which have since been amicably settled between the parties in terms of Memorandum of Understanding dated 20.02.2024.

4. Respondent No. 2, who is present in person along with her husband and counsel, submits that since disputes have been amicably settled between the parties, she has 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 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. Petitioners and respondent No. 2 are present in person and have been identified by SI Sanjeev Tomar, PS: Uttam Nagar. 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 also states that nothing remains to be further adjudicated upon between the parties and she alongwith her husband has no objection in case the FIR in question is quashed.

9. Petitioners and respondent No. 2 intend to put quietus to the proceedings arising out of monetary transaction. 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. Petitioners are further stated to be having clean past antecedents.



2024:DHC:6549



10. 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. 0276/2018, under Sections 354/323/506/34 IPC, registered at PS: Najafgarh 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

AUGUST 29, 2024/R