



2024:DHC:6024



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 12.08.2024

+ CRL.M.C. 5495/2024

SH NAVED KHAN

.....Petitioner

Through: Mr. Adesh Kumar, Adv.

versus

THE STATE GOVT OF NCT OF DELHI & ANR.Respondents

Through: Ms. Manjeet Arya, APP for the State
with SI Nitin, PS: Laxmi Nagar.
Mr. Amit Kumar, Advocate for R-2
with R-2 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. 20993/2024**

Exemption allowed, subject to all just exceptions.

Application stands disposed of

CRL.M.C. 5495/2024

1. Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of the petitioner for quashing of FIR No. 0131/2024, under Section 420 IPC, registered at P.S.: Laxmi Nagar and proceedings emanating therefrom.
2. Issue notice. Learned APP for the State and learned counsel for respondent No. 2 along with respondent No. 2 in person appear on advance notice and accept notice.



3. In brief as per the case of petitioner, present FIR was registered on 08.05.2024 at the instance of respondent no. 2, since petitioner failed to honour his commitment towards booking honeymoon package in the year 2019 against consideration of Rs. 1,42,000/-. Present FIR is stated to have been registered pursuant to directions under Sections 156 (3) Cr.P.C. It is admitted that prior to registration of FIR, an amount of Rs. 60,000/- was returned to respondent no. 2.

4. Learned counsel for the petitioner submits that disputes between the parties have been amicably settled in terms of Settlement dated 27.05.2024. An amount of Rs. 70,000/- has already been paid to the respondent no. 2 and balance amount of Rs. 10,000/- has been paid today to respondent no. 2 through mobile banking.

5. Respondent no. 2 submits that in view of receipt of amount and settlement between the parties, he has no grievance in this regard and nothing remains to be further adjudicated upon between the parties.

6. Learned APP for the State, on instructions of Investigating Officer, submits that FIR is at initial stage and documents relied upon are yet to be verified. She further submits that in view of amicable settlement between the parties and return of entire settlement amount, she has no objection in case the FIR in question is quashed. On instructions of IO, learned APP further informs that petitioner has no past involvements.

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. Reference may also be made to *Sunil Tomar vs. The State of NCT of Delhi & Anr.*, CRL.M.C.1741/2021, decided on 12.04.2022 by Coordinate Bench of this Court and *Rajni Khare vs. State & Anr.*, CRL.M.C. 2930/2021, decided on 19.03.2024 by this Court, wherein the proceedings under Sections 406/420 IPC were quashed on the basis of settlement between parties.

10. Petitioner and respondent no. 2 in person have been identified by SI Nitin Kumar, PS: Laxmi 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 submits that he has no objection in case the FIR in question is quashed.

11. Petitioner and respondent no. 2 intend to put quietus to the proceedings. 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.

12. 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. 0131/2024, under Section 420 IPC, registered at P.S.: Laxmi Nagar and all proceedings emanating therefrom stand quashed.

13. In the facts and circumstances, instead of imposing the costs upon petitioner, he is directed to plant 50 saplings of Neem/Jamun trees, which are upto 03 feet in height in the area of P.S.: Laxmi Nagar 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 concerned IO / SHO, P.S.: Laxmi Nagar. 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 petitioner shall be liable to deposit cost of Rs. 50,000/- with the Delhi State Legal Services Authority.

Petition is accordingly disposed of. Pending applications, if any, also



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stand disposed of.

A copy of this order be forwarded to learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J

AUGUST 12, 2024

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