



2024:DHC:5892



\$~51

* IN THE HIGH COURT OF DELHI AT NEW DELHI

%

Date of Decision: 07.08.2024

+ W.P.(CRL) 2283/2024

SANJEEV BHATI AND ORS.

.....Petitioners

Through: Mr. Anil Dwivedi and Ms. Asha Dwivedi, Advs. alongwith petitioners in person.

versus

STATE OF NCT OF DELHI AND ANR.

.....Respondents

Through: Ms. Rupali Bandhopadhyaya, ASC for the State with Mr. Abhijet Kumar, Adv. and with SI Mayank Istwal, PS Kalyanpuri.

CORAM:**HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA**

%

J U D G M E N T**ANOOP KUMAR MENDIRATTA, J (ORAL)**

1. Petition under Article 226 of the Constitution of India read with 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.0270/2021 under Sections 498A/323/34 IPC registered at P.S.: Kalyanpuri and proceedings emanating therefrom.

2. In brief, as per the case of the petitioners, marriage between petitioner No. 1 and respondent No. 2 was solemnized according to Hindu rites and ceremonies on 22.02.2004. Three children were born out of the wedlock. Due to matrimonial differences, petitioner No. 1 and respondent No. 2 started living separately. On complaint of respondent No. 2, present FIR was registered on 14.06.2021.



2024:DHC:5892



3. The disputes are stated to have been orally settled between the parties and petitioner No. 1 and respondent No. 2 are residing together for the last two years.
4. Learned ASC 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.
5. 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.
6. 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



2024:DHC:5892



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.

7. Petitioners and respondent No. 2 are present in person and have been identified by SI Mayank Istwal, PS Kalyanpuri. 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 has no objection in case the FIR in question is quashed.

8. 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. It would be nothing but an abuse of the process of Court. The chances of conviction are bleak in view of amicable settlement between the parties. Consequently, FIR No.0270/2021 under Sections 498A/323/34 IPC registered at P.S.: Kalyanpuri 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 7, 2024

P