



2024:DHC:5757



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 02.08.2024

+ CRL.M.C. 5936/2024

BALRAM AND ANR

.....Petitioners

Through: Mr. B. S. Yadav, Advocate alongwith
petitioners in person.

versus

STATE THROUGH SHO PS CHHAWALA AND ANR

.....Respondents

Through: Ms. Manjeet Arya, APP for the State
with SI Dharmveer, PS Chhawala.
Mr. Jai Dev Sharma and Mr. Ashish
Dutt, Advocates for R-2 along 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. 22692/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 5936/2024

1. Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of the petitioners for quashing of FIR No. 771/2015, under Sections 354/354B/379/341/323/427/34 IPC, registered at PS: Chhawala and proceedings emanating therefrom.

2. Issue notice. Learned APP for the State and learned counsel on behalf



of respondent no. 2 alongwith respondent no. 2 in person appear on advance notice and accept notice.

3. In brief, as per the case of the prosecution, present FIR was registered at instance of Respondent no. 2 who is the daughter-in-law of brother of petitioner no. 1 (Balram). She alleged that on 17.12.2015, petitioners alongwith their sons, namely, Darvin and Dev assaulted her husband (Praveen) and her brother-in-law (Naveen). Further petitioners behaved inappropriately outraging her modesty.

4. Learned counsel for the petitioner submits that disputes between the parties have arisen on account of family issues which have since been amicably settled in terms of Settlement arrived at Mediation Centre, Dwarka Courts, New Delhi on 11.07.2024. He further submits that a cross FIR 0772/2015 under Sections 354B/323/506/509/379/427/34 IPC was registered at instance of petitioner no. 2 (wife of petitioner No.1) arising out of the same incident. The cross FIR is stated to have been quashed vide CRL.M.C. 5938/2024 by a Coordinate Bench of this Court, which is confirmed by the IO. It is also pointed out that petitioners have clean past antecedents and nature of injuries suffered by the respondent no. 2, her husband (Praveen) and brother-in-law (Naveen), were simple in nature.

5. Respondent no. 2 alongwith her husband (Praveen) and brother-in-law (Naveen) submit that since disputes have been amicably settled between the parties, they have no objection in case the FIR in question is quashed.

6. 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.

7. 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.

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. Petitioners and respondent No. 2 alongwith her husband (Praveen) and brother-in-law (Naveen) are present in person and have been identified by SI Dharmveer, P.S.: Chhawala. I have interacted with the parties and they confirm that the matter has been amicably settled between them without any



threat, pressure or coercion. Further they have no objection in case FIR in question is quashed, since disputes between the parties primarily arose on account of family issues.

10. Petitioners and respondent No. 2 alongwith her husband (Praveen) and brother-in-law (Naveen) 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 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. 771/2015, under Sections 354/354B/379/341/323/427/34 IPC, registered at PS: Chhawala and proceedings emanating therefrom stand quashed.

12. In the facts and circumstances, instead of imposing the costs upon the petitioners, they are directed to plant 50 saplings of Neem trees each, which are upto 03 feet in height in the area of PS Chhawala 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, PS: Chhawala. 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. 50,000/- each with the Delhi State Legal Services Authority.



2024:DHC:5757



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 2, 2024

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