



2024:DHC:8014



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 16.10.2024

+ CRL.M.C. 6039/2024

SALIM & ORS.

.....Petitioners

Through: Mr. Udit Gupta, Mr. Satvik Bajaj,
Mr. Manoj Kumar, Advocates with
petitioners in person.

versus

THE STATE GOVT OF NCT OF DELHI & ANR.Respondents

Through: Ms. Manjeet Arya, APP for the State
with SI Vishwas, PS Chandni Mahal
and Respondent No. 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. 23042/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 6039/2024, CRL.M.A. 23041/2024

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. 135/2017 under Sections 324/341/34 IPC registered at P.S.: Chandni Mahal and proceedings emanating therefrom.
2. Issue notice. Learned APP for the State and learned counsel for respondent no. 2 alongwith respondent no. 2 in person appear on advance

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notice and accept notice.

3. In brief, as per the case of the prosecution, present FIR was registered on 28.07.2017, on complaint of respondent no. 2 who alleged that on 27.07.2017 at about 11:50 PM, as he came out of his residence for a walk, petitioners assaulted him.

4. Learned counsel for the petitioners submits that petitioners as well as respondent No.2 reside in same locality and the incident allegedly occurred over a minor issue, which has been amicably settled between the parties. He further submits that petitioners have clean past antecedents and are not involved in any other case and injuries sustained by the complainant/respondent No.2 are simple in nature.

5. Learned APP for the State submits that in view of amicable settlement between the parties, the State 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. 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 Vishwas, P.S. Chandni Mahal. 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 submits that since all the disputes between the parties have been amicably settled, he has no further grievance in this regard and has no objection for quashing of FIR.

9. Parties being neighbours 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. No past involvement of the petitioners has been brought to the notice of this Court.

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. 135/2017 under Sections 324/341/34 IPC registered at P.S.: Chandni Mahal and proceedings emanating therefrom stand quashed.



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11. In the facts and circumstances, instead of imposing costs upon the petitioners, they are directed to plant 15 saplings of trees each, which are upto 03 feet in height on the banks of Yamun River 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, P.S.: Chandni Mahal. 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. 15,000/- each with the Delhi State Legal Services Authority.

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

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

ANOOP KUMAR MENDIRATTA, J.

OCTOBER 16, 2024

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