



2024:DHC:5919



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 08.08.2024

+ W.P.(CRL) 2396/2024

GULSHAN AND ORS.

.....Petitioners

Through: Mr. Niraj Chaudhry, Advocate with
Petitioners in person (except petitioner
No. 9 / Bijender).

versus

THE STATE NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Anand V. Khatri, ASC for State
with SI Ruchika, PS: Nand Nagri 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)**

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 quashing of FIR No. 0820/2020, under Sections 498A/406/354/34 IPC and Section 4 of Dowry Prohibition Act, 1961, registered at PS: Nand Nagri and proceedings emanating therefrom. Chargesheet has been filed under Sections 498A/406/506/34 IPC.
2. Issue notice. Learned ASC for the State along with respondent No. 2 in person appear on advance notice and accept notice.
3. 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 05.03.2017. No child was 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 21.11.2020.
4. The disputes have been amicably settled between the parties in terms



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of Settlement dated 26.03.2022 arrived before Mediation Centre, Karkardooma Courts. The marriage between petitioner No. 1 and respondent No. 2 has been dissolved by decree of divorce by way of mutual consent under Section 13B(2) of the Hindu Marriage Act vide judgment dated 03.11.2022.

5. Learned ASC for the State submits that in view of amicable settlement between the parties, he 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



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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. All petitioners (except petitioner No. 9) and Respondent No. 2 are present in person and have been identified by SI Ruchika, PS: Nand Nagri. Presence of petitioner No. 9 is exempted. 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.

9. 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. 0820/2020, under Sections 498A/406/354/34 IPC and Section 4 of Dowry Prohibition Act, 1961, registered at PS: Nand Nagri 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 08, 2024/R