



2024:DHC:6337



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 22.08.2024

+ W.P.(CRL) 2568/2024

MOHD HAMZA SHAGIL

.....Petitioner

Through: Mr.Burhan Zaki, Ms.Srishti Sharma
and Mr.Adran Saifi, Advocates with
petitioner in person.

versus

THE STATE (GOVT. OF NCT DELHI) & ANR.Respondents

Through: Mr.Rahul Tyagi, ASC (Crl.) with
Mr.Abhishek Tomar, Mr.Bibhash
Chandra Mishra, Mr.Abhishek Saket,
Mr.Amit Chanchal Jha, Mr.Digvijay
Singh Rawat and Mr.Sunil Pant,
Advocates PSI Bharti, P.S. Darya
Ganj.
Mr.Abdul Kadir Saifi and
Mohd.Tufail, Advocates with
respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

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J U D G M E N TANOOP KUMAR MENDIRATTA, J (ORAL)CRL.M.A. 25072/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

W.P.(CRL) 2568/2024

1. Writ petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of the petitioner for quashing of FIR No.242/2024, under Sections 78/79/351(3) of the Bharatiya Nyaya Sanhita, 2023 (BNS), registered at P.S.: Darya Ganj.



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2. Issue notice. Learned ASC 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 the prosecution, FIR was registered on 22.07.2024, on complaint of respondent No.2 who alleged that she was in relationship with petitioner and wanted to marry him, but, the family members of petitioner were against the relationship. After waiting for about three years, when she decided to marry some other person, petitioner started harassing her and threatened her in different ways.
4. Learned counsel for the petitioner submits that admittedly petitioner and respondent No.2 were in relationship for a long period of time and present FIR has been registered since the marriage could not fructify. He further submits that petitioner is an undergraduate and has already taken admission for pursuing MBA out of Delhi. He further submits that in case present proceedings are permitted to continue, career of petitioner is likely to be adversely impacted. The disputes are stated to have been amicably settled between the parties in terms of Settlement Deed dated 12.08.2024.
5. Respondent No.2 who is present in person fairly submits that the relationship could not be taken to a logical end but submits that she was constrained to lodge the complaint since petitioner had been following her. She further submits that both petitioner as well as respondent No.2 belong to decent families and she does not wish to continue present proceedings as disputes have been amicably settled. She also informs that there has been no incident after lodging of the FIR and petitioner as well as his family members have assured her.
6. Learned ASC for the State submits that in view of amicable settlement



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between the parties, he has no objection in case the FIR in question is quashed.

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. Petitioner and respondent No. 2 are present in person and have been



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identified by PSI Bharti, PS: Darya Ganj. I have interacted with the parties and they confirm that the matter has been amicably settled between them without any threat, pressure or coercion. Both the petitioner and respondent No.2 are of young age and have expressed positive emotions for each other. 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.

10. Petitioner and respondent No. 2 intend to put quietus to the proceedings arising out of failed relationship. 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.

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. It would be nothing but an abuse of the process of Court. Consequently, FIR No.242/2024, under Sections 78/79/351(3) of the Bharatiya Nyaya Sanhita, 2023 (BNS), registered at P.S.: Darya Ganj 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 22, 2024/v