



2024:DHC:7826



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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 08.10.2024

+ W.P.(CRL) 2579/2024

GURMEET SINGH &amp; ORS.

.....Petitioners

Through: Mr. Mahesh Kumar, Mr. Sahil Sharma, Mr. Sathak Mann, Mr. Devrrat Sharma and Mr. Vikram Pratap Singh, Advocates with Petitioners-in-person.

versus

THE STATE THROUGH SHO PS KIRTI NAGAR DELHI  
& ANR.

.....Respondents

Through: Ms. Rupali Bandhopadhyaya, ASC with Mr. Abhijeet Kumar, Advocates and SI Dhananjay Gupta, PS: Kirti Nagar. Ms. Grisha Sharma, Adv. for R-2 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 T****ANOOP KUMAR MENDIRATTA, J (ORAL)**

1. 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 petitioners for quashing of FIR No. 499/2023, under Sections 363/34 IPC, registered at P.S.: Kirti Nagar and proceedings emanating therefrom.

2. In brief, as per the case of prosecution, present FIR was registered on complaint respondent No. 2, who alleged that his minor children had been illegally detained by his in-laws and his wife had expired on 28.08.2022,



after suffering from a life threatening disease.

3. Learned counsel for petitioner submits that dispute between the parties arose over custody of children of respondent No. 2, which has been amicably resolved. Further, children are presently stated to be in custody of respondent No. 2. He further points out that petitioners have clean past antecedents.

4. Respondent No. 2, who is present in person, submits that since the disputes have been amicably settled between the parties, he has no further grievance against the petitioners and has no objection in case the FIR is quashed.

5. 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.

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 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.** Petitioners (except petitioner No. 3) and respondent No. 2 are present in person and have been identified by SI Dhananjay Gupta, PS: Kirti Nagar. Presence of petitioner No. 3 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 submits that since all the disputes between the parties have been amicably settled, he has no objection in case the FIR in question is quashed.

**9.** Petitioners and respondent No. 2 intend to put quietus to the disputes arising out of custody of children of respondent No. 2. The settlement shall promote harmony between the parties and 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.

**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. 0499/2023, under Sections 363/34 IPC, registered at P.S.: Kirti Nagar and proceedings



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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.**

**OCTOBER 08, 2024/R**