



2024:DHC:7197



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 19.09.2024

+ CRL.M.C. 6681/2024

RAVINDER KHATRI AND ANRPetitioners
Through: Mr.Deepak Khatri, Advocate with
petitioners in person.

versus

STATE OF NCT OF DELHI AND ANR.Respondents
Through: Ms.Manjeet Arya, APP for State with
SI Mahendra Patel, P.S. Narela.
Mr.Naveen Kumar, Advocate 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)****CRL.M.A. 25513/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 6681/2024

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.0789/2017, under Sections 354/506/509/34 IPC, registered at P.S.: Narela. Chargesheet has been filed under Sections 323/354/506/509/34 IPC.
2. Issue notice. Learned APP for the State and learned counsel for respondent No. 2 along with respondent No. 2 and her husband in person appear on advance notice and accept notice.



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3. In brief, as per the case of prosecution, present FIR was registered on 13.10.2017, on complaint of respondent No.2 who alleged that on 12.10.2017 at about 6:30 pm her neighbours, Ravinder Khatri (petitioner No.1) and his wife Anju (petitioner No.2) threatened complainant and her husband over a minor issue pertaining to children. Further, petitioner No.1 fetched a stick from his house for assaulting husband of complainant. However, husband of complainant escaped and made a call at number 100. It is further the case of complainant that after the police left, there was again an altercation between the parties and petitioners assaulted and indecently behaved with complainant and her husband.

4. Learned counsel for the petitioners submits that both petitioners and respondent No.2 are neighbours and the disputes have been amicably settled between the parties. A no objection affidavit has been filed on behalf of respondent No.2 for quashing of present FIR. He further submits that petitioners have clean past antecedents.

5. Respondent No.2 who is present in person alongwith her husband submit that the disputes have been amicably settled and they have no longer any grievance in this regard.

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



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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 are present in person and have been identified by SI Mahendra Patel, PS: Narela. 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 alongwith her husband also state that they have no objection in case the FIR in question is quashed.

10. Petitioners and respondent No. 2 alongwith her husband intend to put quietus to the proceedings arising out of a minor altercation. The settlement



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shall promote harmony between the parties. 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. It would be nothing but an abuse of the process of Court. Consequently, FIR No.0789/2017, under Sections 323/354/506/509/34 IPC, registered at P.S.: Narela 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

SEPTEMBER 19, 2024/v