



2024:DHC:6624



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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 29.08.2024

+ CRL.M.C. 6723/2024

PRAVEEN KUMAR AND ANR

.....Petitioners

Through: Ms.Sangeeta Jain. Advocate with  
petitioners in person.

versus

STATE NCT OF DELHI AND ANR.

.....Respondents

Through: Ms.Manjeet Arya, APP for State with  
SI Kavindra Singh, P.S. Bara Hindu  
Rao.  
Mr.Sharvan Dev and Mr.Sahil  
Chopra, 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 T****ANOOP KUMAR MENDIRATTA, J (ORAL)****CRL.M.A. 25676/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of.

**CRL.M.C. 6723/2024**

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.099/2018, under Sections 354/354A/506/509/34 IPC, registered at P.S.: Bara Hindu Rao. Chargesheet has been filed under Sections 354/354A/354B/506/509/34 IPC.

2. Issue notice. Learned APP for the State and learned counsel for



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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 28.07.2018, on complaint of respondent No.2 who alleged that there is a dispute between petitioners and respondent No.2 in respect of property bearing No. 1631 situated at Hathikhana Bahadurgarh Road, Delhi- 110006 consisting of one shop on ground floor and mezzanine floor, which is pending at Tis Hazari Courts, Delhi. Respondent No.2 alleged that petitioners abused and behaved inappropriately with her while she was present alongwith her mother in the premises.

4. Learned counsel for the petitioner submits that present FIR is consequence of civil disputes between the parties in respect of the said property and no such incident had occurred as alleged. She further submits that disputes between the parties have since been amicably settled in terms of Settlement Agreement dated 16.07.2024.

5. Respondent No.2 who is present in person submits that since disputes have been amicably settled between the parties, she has no further grievance in this regard.

6. An amount of Rs.8,00,000/- has been paid to respondent No. 2 today through DD No. 278514 dated 28.08.2024 drawn on State Bank of India, Padam Singh Road, Karol Bagh, Delhi in favour of respondent No. 2 out of total amount of Rs.16,00,000/-. Balance amount of settlement is stated to be payable to respondent No.2 at the time of withdrawal of cases by respondent No.2 before concerned Civil Court.

7. 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



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quashed.

8. 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.

9. 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.

10. Petitioners and respondent No. 2 are present in person and have been identified by SI Kavindra Singh, PS: Bara Hindu Rao. I have interacted with



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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 she has no objection in case the FIR in question is quashed.

**11.** Petitioners and respondent No. 2 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. Further, no past involvement of the petitioners has been brought to the notice of this Court.

**12.** 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.099/2018, under Sections 354/354A/354B/506/509/34 IPC, registered at P.S.: Bara Hindu Rao 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 29, 2024/v**