



2024:DHC:6623



\$~75 & 38

* IN THE HIGH COURT OF DELHI AT NEW DELHI

%

Date of Decision: 30.08.2024

+ CRL.M.C. 6802/2024

SUMIT BAISOYA AND ORS.

.....Petitioners

Through: Mr.Ramesh K.Sharma and
Mr.Abhishek Sharma, Advocates with
petitioners in person.

versus

THE STATE (NCT OF DELHI) AND ANR.Respondents

Through: Ms.Manjeet Arya, APP for State with
SI Kuldeep Lamba, P.S. Amar
Colony.

Mr.Jatin Chaudhary and Ms.Aparna
Gupta, Advocates with respondent
No.2 in person.

+ CRL.M.C. 6348/2024

SUMIT BASOYA AND ORS.

.....Petitioners

Through: Mr.Ramesh K.Sharma and
Mr.Abhishek Sharma, Advocates with
petitioners in person.

versus

THE STATE (NCT OF DELHI) AND ANR.Respondents

Through: Ms.Manjeet Arya, APP for State with
SI Kuldeep Lamba, P.S. Amar
Colony.

Mr.Jatin Chaudhary and Ms.Aparna
Gupta, Advocates with respondent
No.2 in person.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

%

J U D G M E N T

ANOOP KUMAR MENDIRATTA, J (ORAL)



2024:DHC:6623



CRL.M.A. 25971/2024 in CRL.M.C. 6802/2024
CRL.M.A. 24276/2024 in CRL.M.C. 6348/2024

Exemption allowed, subject to just exceptions.

Applications stand disposed of.

CRL.M.C. 6802/2024
CRL.M.C. 6348/2024

1. CRL.M.C. 6802/2024 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.14/2020, under Sections 354/323/506/509/427/34 IPC, registered at P.S.: Amar Colony. Section 427 IPC was subsequently invoked by the prosecution.

CRL.M.C. 6348/2024 under Section 482 Cr.P.C. has been preferred on behalf of the petitioners for quashing of FIR No.76/2021, under Sections 498A/406/34 IPC, registered at P.S.: Amar Colony.

2. Issue notice. Learned APP 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 No.14/2020 was registered on complaint of respondent No.2 who alleged that her husband (petitioner No.1) alongwith other family members i.e. petitioner No.2 to 4 assaulted and inappropriately touched her. A similar incident is stated to have earlier transpired on 02.01.2020.

Another FIR No.76/2021 under Sections 498A/406/34 IPC at P.S.: Amar Colony was subsequently registered at instance of respondent No.2 against her husband petitioner no. 1 and other family members i.e. petitioner No.2 to 8.

4. Learned counsel for the petitioners submits that the aforesaid FIRs



2024:DHC:6623



have been registered on account of matrimonial differences between the parties, which have since been settled in terms of Settlement dated 22.08.2023. He further contends that marriage between 'P1' and respondent no. 2 has been dissolved by decree of divorce by way of mutual consent under Section 13B(2) of Hindu Marriage Act, 1954 vide judgment dated 02.04.2024.

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

6. Balance amount of settlement Rs.7,50,000/- has been paid to respondent No. 2 today through DD No. 131750 dated 26.07.2024 drawn on State Bank of India, Branch Amar Colony, New Delhi in favour of respondent No. 2 out of total amount of Rs.25,00,000/-.

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 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 Kuldeep Lamba, PS: Amar Colony. 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.

11. Petitioners and respondent No. 2 intend to put quietus to the proceedings arising out of matrimonial differences. 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.

12. Considering the facts and circumstances, since the matter has been



2024:DHC:6623



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.14/2020, under Sections 354/323/506/509/427/34 IPC and FIR No.76/2021 under Sections 498A/406/34 IPC both registered at P.S.: Amar Colony and proceedings emanating therefrom stand quashed.

Respondent No.2 shall be at liberty to file an appropriate application before learned MM for releasing of mobile phones, which are stated to be seized during the course of investigation.

Petitions are 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 30, 2024/v