



2024:DHC:6610



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 30.08.2024

+ CRL.M.C. 6836/2024
VIJAY KUMAR & ORS.

.....Petitioners

Through: Mr.Sohil Sharma, Mr.Lakshay
Bhardwaj, Mr.Tanveer Gaur and
Mr.Parveen Kaushik, Advocates.

versus

STATE NCT OF DELHI AND ANR

.....Respondents

Through: Ms. Manjeet Arya, APP for the State
with SI Vinod Kumar, P.S. Sagar Pur.
Mr.Mayank Tushamar along with Mr.
Prashant Rawat, Advocate for R-2.**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. 26129/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 6836/2024

1. Petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') read with Article 227 of Constitution of India has been preferred on behalf of the petitioners for quashing of FIR No.0556/2023, under Sections 354/506/323 IPC, registered at P.S.: Sagar Pur.
2. Issue notice. Learned APP for the State and learned counsel for respondent No. 2 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 06.11.2023, on complaint of respondent No.2 (wife of petitioner No. 2) who made allegations against father in law and other family members.
4. Learned counsel for petitioners submits that FIR is a consequence of matrimonial differences between the parties. He further submits that disputes have been settled in terms of settlement dated 09.04.2024 and first motion under Section 13B(1) of HMA for divorce by way of mutual consent has been allowed on 30.08.2024.
5. An amount of Rs.1,00,000/- has been paid to respondent No. 2 today through DD No. 863375587 dated 16.08.2024 drawn on Indian Overseas bank, Delhi in favour of respondent No. 2.
6. 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.
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 Vinod Kumar, PS: Sagar Pur. 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.

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



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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.0556/2023, under Sections 354/506/ 323 IPC, registered at P.S.: Sagar Pur 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 and compliance.

ANOOP KUMAR MENDIRATTA, J

AUGUST 30, 2024/ss