



2024: DWT: 1363



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 22.02.2024

+ CRL.M.C. 24/2024

BHUPENDER MUDGAL @ BHUPENDER SHARMA Petitioner
Through: Mr. S. S. DRAL, Advocate.

versus

THE STATE NCT DELHI AND ANR. Respondents
Through: Ms. Kiran Bairwa, APP for State with
Inspector Pawan and SI Munfaij,
PS: Kanjhawala, Delhi.

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 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. 135/2017, under Sections 308 IPC, registered at P.S.: Kanjhawala, Delhi and the proceedings emanating therefrom.
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 petitioner, marriage between petitioner and respondent No. 2 was solemnized according to Hindu rites and Ceremonies on 18.11.2013. A male child was born out of the said wedlock on 20.02.2016. Due to sudden altercation between the parties, petitioner allegedly assaulted his wife (respondent No. 2) and thereafter informed the Police. Respondent No. 2 was admitted in the hospital and present FIR under



Section 308 IPC was registered on 07.04.2017.

4. Learned counsel for petitioner submits that the incident took on spur of moment over minor issue and petitioner has expressed remorse over the incident. Further, petitioner and respondent No.2 have resolved all their matrimonial disputes and have been residing happily together since 22.08.2022 in terms of settlement deed dated 20.08.2022. It is submitted that respondent No. 2 is again pregnant and to ensure that petitioner and respondent No. 2 are able to live a peaceful life, present proceedings may be quashed.

5. Respondent No. 2 who present in-person submits that she is happily residing with the petitioner since 22.08.2022 and does not have any grievances.

6. Learned APP for the State submits that in view of amicable settlement between the parties, the State has no objection in case the FIR in question is quashed.

7. Petitioner as well as respondent No. 2 are present in person and have been identified by SI Munfaij, PS: Kanjhawala, Delhi. 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.

8. Petitioners in the present case seek to invoke the powers under Section 482 of Code of Criminal Procedure. The same are to be used to secure the ends of justice and to prevent the abuse of process of any 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



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generalised 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.

Considering the fact that matter has already been settled between the parties who are related as husband and wife, it may be a futile exercise to continue with the instant proceedings. The possibility of retracting of the statement by respondent No. 2 cannot be ruled out for purpose of effecting the settlement between the parties. The parties need to be given an opportunity to further settle down and move ahead in life, in view of amicable resolution of disputes. In the facts and circumstances, the continuation of proceedings would be nothing but an abuse of the process of the Court. Consequently, FIR No. 135/2017, under Sections 308 IPC, registered at P.S.: Kanjhawala, Delhi and the 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 the learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J.

FEBRUARY 22, 2024/R