



2024:DHC:1274



\$~65

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

%

Date of Decision: 19.02.2024

+

CRL.M.C. 86/2024, CRL.M.A. 335/2024

VIVEK SHARMA

..... Petitioner

Through: Mr.D.K.Sharma, Mr. Ashoutosh
Somani, Mr. Manish Kumar, Mr.
Mahipal Singh and Mr. Ashish
Kumar, Advocates with the petitioner
in person.

versus

THE STATE NCT OF DELHI AND ANR

..... Respondents

Through: Ms. Meenakshi Dahiya, APP for State
with SI Niraj Singh, P.S. Nand Nagri,
Delhi.
Respondent No.2 in person (through
VC).

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

%

J U D G M E N T

ANOOP KUMAR MENDIRATTA, J (ORAL)

1. Petition under Section 482 Cr.PC has been preferred on behalf of the petitioner for quashing of FIR No.381/2012, under Sections 324/341 PC registered at Police Station Nand Nagri and proceedings emanating therefrom.

2. In brief, as per the case of the petitioner, marriage of petitioner and respondent No.2 was solemnised according to Hindu rites and ceremonies on 12.03.2012. No child was born out of the wedlock. Due to temperamental differences, respondent No.2 and petitioner No.1 started living separately



since 28.03.2012. A complaint was filed on behalf of respondent No.2 before CAW Cell, which culminated in registration of FIR No.28/2013, under Sections 406/498-A/34 IPC and Section 4 of Dowry Prohibition Act against the petitioner and his family members at Police Station Karawal Nagar which has been quashed by this Court vide order dated 02.09.2014 in CRL.MC No.3960/2014 titled as '*Vivek Kumar & Ors. vs the State of Delhi & Ors.*'.

3. During the hearing before CAW Cell, another complaint was lodged by respondent No.2 on 01.11.2012, on the basis of which FIR No.381/2012, under Sections 324/341 IPC was registered against the petitioner at Police Station Nand Nagri. Respondent No.2 therein alleged that while appearing before CAW Cell, on 01.11.2012, petitioner had hit her with a sharp object.

4. The matter is stated to have been amicably resolved between the parties in terms of Settlement Deed dated 10.04.2013. The marriage between petitioner No.1 and respondent No.2 has been dissolved by mutual consent under Section 13-B (2) of Hindu Marriage Act vide decree of divorce dated 31.01.2014.

5. 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.

6. Petitioner and respondent No.2 (through V.C) have been identified by SI Neeraj Singh, PS: Nand Nagri. 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



2024:DHC:1274



objection in case the FIR in question is quashed.

7. Petitioner in the present case seeks to invoke the powers under Section 482 of Code of Criminal Procedure. The same is to be used to secure the ends of justice or 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 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.

8. 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.381/2012, under Sections 324/341 PC registered at Police Station Nand Nagri 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 19, 2024

'dc'