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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of Decision: 29.04.2024

+ CRL.M.C. 133/2024 & CRL.M.A. 551/2024

MUNAWWAR AHMED & ANR. Petitioners
Through: Mr. Yasir Arafat and Mr. Tauseef
Ahmad, Advocates with Petitioners
in-person.

versus

THE STATE (NCT OF DELHI) & ANR. Respondents
Through: Ms. Kiran Bairwa, APP for State with
SI Akashdeep, PS: Jamia Nagar.
Mr. Safuddin Khan, Advocate for R-2
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)

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. 0249/2022, under Sections 323/324/354/354A IPC, registered at P.S.: Jamia Nagar and proceedings emanating therefrom. Chargesheet has been filed under Sections 323/325/354/354A/34 IPC.
2. In brief, as per the case of prosecution, present FIR was registered on 09.06.2022 on complaint of respondent No.2/'A' (Sister-in-law of petitioner No.1), who alleged that on 08.06.2022 at about 09:45 PM, petitioner No.1 started assaulting her sister (wife of petitioner No.1). Further, injuries were inflicted by petitioner No.1 on his younger son as well as his elder daughter



and also outraged the modesty of respondent No.2 by touching her chest.

3. Learned counsel for the petitioners submits that both petitioner No.1 and respondent No.2 are closely related and issues cropped due to some matrimonial disputes between petitioner No.1 and sister of respondent No.2, which have since been resolved between the parties. It is urged that apart from respondent No.2, who is sister-in-law of petitioner No.1, wife of petitioner No.1 is also present today in the Court and confirms that matter has been amicably resolved between the parties and both petitioner No.1 and his wife have since been residing together over a period of one year. He further clarifies that petitioner No.2 is the sister of petitioner of No.1.

4. Respondent No.2 submits that all the disputes between the parties have been amicably settled vide MoU dated 09.10.2023 and she has no objection in case the FIR in question is quashed.

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. 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.

7. Petitioners, Respondent No.2 and wife of petitioner No.1 are present



in person and have been identified by SI Akashdeep, PS: Jamia Nagar, 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 has no objection in case the FIR in question is quashed.

8. Petitioners and respondent No.2 who are closely related, intend to put quietus to the proceedings and move forward in life. The incident appears to be on account of matrimonial differences between petitioner No.1 and his wife. The chances of conviction are bleak in view of settlement between the parties. Also, no past involvement of the petitioners has been brought to the notice of this Court. The settlement shall help to promote harmony between the parties.

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. Continuation of proceedings would be nothing but an abuse of the process of Court. Consequently, FIR No. 0249/2022, under Sections 323/324/325/354/354A/34 IPC, registered at P.S.: Jamia Nagar and proceedings emanating therefrom stand quashed.

Petition is accordingly disposed of. Pending applications, if any, also stand disposed of.

A copy of this judgment be forwarded to the learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J.

APRIL 29, 2024/R