



2024:DHC:7794



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 07.10.2024

+ CRL.M.C. 7194/2024

RAHUL @ JITENDER KUMAR

.....Petitioner

Through: Mr. S. P. Sharma and Mr. Asif Ahmad
Siddiqui, Advocates with petitioner in
person.

versus

STATE GOVT NCT OF DELHI & ANR.

.....Respondents

Through: Ms.Manjeet Arya, APP for State with
SI Anup Rana, P.S. Paschim Vihar
West.

Mr.Tribhuvan, Advocate with
respondent No.2 in person.

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. 27475/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of

CRL.M.C. 7194/2024

1. Petition under Section under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of the petitioner for quashing of FIR No.0263/2019, under Sections 354D/506/509 IPC, registered at P.S.: Paschim Vihar West. Section 354 IPC was subsequently invoked.

2. Issue notice. Learned APP for the State and learned counsel for respondent No.2 alongwith respondent No.2 in person 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 12.06.2019 on statement of respondent No.2 who alleged that prior to her marriage, she had met Rahul (petitioner herein) who used to take tuitions alongwith her. Further, she had stopped communicating with petitioner after tuitions were over. However, petitioner used to make inappropriate gestures and followed her despite her marriage.

4. Learned counsel for the petitioner submits that both petitioner and respondent No.2 were known to each other at relevant time and present FIR is outcome of misunderstanding of petitioner and expresses remorse for same. He submits that both petitioner and respondent No.2 are happily married and settled in their lives. The matter is stated to have been amicably settled between the parties. He also points out that the petitioner has been clean past antecedents.

5. Respondent No.2 is present in person submits that disputes have been amicably settled between the parties and there has been no repeated incident. She further states that she has no objection to quashing of FIR.

6. 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.

7. Petitioner in the present case seeks 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



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regard to the nature and gravity of the offence and consider the impact on the society.

8. 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.

9. Petitioner and respondent No. 2 are present in person and have been identified by SI Anup Rana, PS: Paschim Vihar West. I have interacted with the parties and respondent No.2 confirms that the matter has been amicably settled between them without any threat, pressure or coercion. Respondent No. 2 also states that she has no objection in case the FIR in question is quashed.

10. Petitioner and respondent No. 2 intend to put quietus to the proceedings. The settlement shall promote harmony between the parties. Also the chances of conviction are bleak in view of amicable settlement between the parties. Further, no past involvement of the petitioner has been



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brought to the notice of this Court.

11. 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.0263/2019, under Sections 354/354D/506/509 IPC, registered at P.S.: Paschim Vihar West and proceedings emanating therefrom stand quashed.

12. In the facts and circumstances, instead of imposing the costs upon the petitioner, he is directed to plant 20 saplings of Neem / Jamun trees, which are upto 03 feet in height in the area of P.S.: Paschim Vihar West after getting in touch with the competent authority (i.e. Horticulture Department of MCD / DDA/ Conservator of Forests, Department of Forests & Wildlife, Govt. of NCT of Delhi) through IO / SHO, P.S.: Paschim Vihar West. The photographs of planted saplings alongwith report of IO / SHO concerned shall be forwarded to this Court within eight weeks. Further, the upkeep of the saplings / trees shall be undertaken by the authorities concerned. In case of non compliance of directions for planting of trees, the petitioner shall be liable to deposit cost of Rs. 20,000/- with the Delhi State Legal Services Authority.

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.

ANOOP KUMAR MENDIRATTA, J

OCTOBER 07, 2024/v