



2024:DHC:8147



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 18.10.2024

+ CRL.M.C. 7290/2024

RAM PRASAD YADAV

.....Petitioner

Through: Mr.Rohit Labh and Ms.Anjali Labh,
Advocate.

versus

STATE NCT OF DELHI THROUGH SHO SULTANPURI
AND ANR.

.....Respondents

Through: Mr. Sunil Kumar Gautam, APP with
SI Pinki, PS Sultanpuri.
R-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. 27840/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of

CRL.M.C. 7290/2024

1. Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') read with Article 227 of the Constitution of India has been preferred on behalf of the petitioner for quashing of FIR No. 371/2024, under Sections 354 IPC, registered at P.S.: Sultan Puri and proceedings emanating therefrom.

2. Issue notice. Learned APP for the State and respondent No. 2 in person appear on advance notice and accept notice.



3. In brief, as per the case of prosecution, present FIR was registered at instance of respondent No. 2 who alleged that petitioner had taken her to Jaipur in his car on assurance of getting her a job. However, on the way, petitioner after consuming alcohol misbehaved with her and left her near a toll tax.
4. Learned counsel for the petitioner submits that petitioner and respondent No.2 were closely known to each other since respondent No.2 had been working in the shop of the petitioner and present FIR was registered due to some misunderstanding. It is pointed out that petitioner has clean past antecedents. The disputes between the parties are further stated to have been amicably settled in terms of settlement deed dated 31.05.2024.
5. Respondent No.2 in person submits that since the disputes have been amicably settled between the parties, she has no other grievance in this regard
6. Learned APP for the State submits that in view of amicable settlement between the parties, he has no objection in case the FIR in question is quashed.
7. Petitioner in the present case seeks to invoke the powers under Section 528 of BNSS. 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.
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 528 of BNSS 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 Pinki, PS Sultanpuri. 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 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 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



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Court. Consequently, FIR No. 371/2024, under Section 354 IPC, registered at P.S.: Sultan Puri 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 50 saplings of Neem / Jamun trees, which are upto 03 feet in height in the area of P.S.: Sultan Puri 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.: Sultan Puri. 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. 50,000/- 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 the learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J.

OCTOBER 18, 2024
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