



2024:DHC:7354



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 23.09.2024

+ CRL.M.C. 7542/2024

VIVEK NARULA & ANR

.....Petitioners

Through: Petitioners in person with their
Counsel (appearance not given).

versus

THE STATE NCT OF DELHI AND ORS.

.....Respondents

Through: Ms. Meenakshi Dahiya, APP for State
with with SI Kavish Rana, PS: Laxmi
Nagar and respondent Nos. 2 to 4 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. 28793/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 7542/2024

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. 0268/2021, under Sections 323/354/509/34 IPC, registered at PS: Laxmi Nagar.
2. Issue notice. Learned APP for the State and respondent No. 2 to 4 in person appear on advance notice and accept notice.
3. In brief, as per the case of prosecution, present FIR was registered on 21.05.2021, on complaint of respondent No. 2 (Gulshan Chopra), who



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alleged that his sister-in-law (sister of his wife) and her husband- petitioner No. 1 (VN) were having matrimonial differences between them. On the evening of 03.05.2021, petitioner No. 1 along with his son (petitioner No. 2 / AN) visited the premises of respondent No. 2 and assaulted respondent No. 2 to 4. Petitioners also misbehaved with respondent No. 3 and 4 (wife and daughter of respondent No. 2).

4. Learned counsel for the petitioners submits that parties are close family relatives and matrimonial disputes have been amicably settled in terms of Settlement Deed dated 03.05.2024. Also, no objection by way of affidavits has been filed on behalf of respondent No. 2 to 4, for quashing of present FIR. He further submits that petitioners have clean past antecedents.

5. Respondent No. 2 to 4, who are present in person, submit that since the disputes have been amicably settled between the parties, they have no longer any grievance against the petitioners and have no objection in case the FIR is quashed.

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. 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.

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. Petitioners and respondent No. 2 to 4 are present in person and have been identified by SI Kavish Rana, PS: Laxmi Nagar. 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 to 4 also state that they have no objection in case the FIR in question is quashed.

10. Parties being close relatives 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 petitioners has been brought to the notice of this Court.



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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. 0268/2021, under Sections 323/354/509/34 IPC, registered at PS: Laxmi Nagar and proceedings emanating therefrom are quashed.

12. In the facts and circumstances, instead of imposing the costs upon the petitioners, they are directed to plant 50 saplings of neem / jamun trees each, which are upto 03 feet in height in the area of PS: Laxmi Nagar / adjoining Yamuna Bank 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, PS: Laxmi Nagar. 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 neem / jamun trees, the petitioners shall be liable to deposit cost of Rs. 50,000/- each 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

SEPTEMBER 23, 2024/R