



2024:DHC:7444



\$~74

* IN THE HIGH COURT OF DELHI AT NEW DELHI

%

Date of Decision: 26.09.2024

+ CRL.M.C. 7652/2024

BHAWANA SHARMA & ORS.

.....Petitioners

Through: Ms. Jyoti Khatana, Mr. Dinesh Kumar Sharma, Mr. Mayank Sharma, Mr. Vikash Saini, Mr. Kawal Preet Singh, Mr. Sonu Jha, Mr. Dinesh Kumar Madesiya and Mr. Jai Subhash Thakur, Advocates with Petitioners in-person.

versus

THE STATE OF NCT OF DELHI AND ORS.

.....Respondents

Through: Ms. Manjeet Arya, APP for State with ASI Chand Ram, PS: Mohan Garden with respondent No. 2 to 4 in-person.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

%

J U D G M E N T**ANOOP KUMAR MENDIRATTA, J (ORAL)****CRL.M.A. 29195/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 7652/2024

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. 0045/2024, under Sections 323/341/506/34 IPC, registered at PS: Mohan Garden and proceedings emanating therefrom.

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 07.02.2024, on complaint of Aditya Bindal (respondent No. 2), who alleged that on 25.01.2024, there was an altercation between petitioners Amit Kaushik, his wife, sister and parents with the tempo driver, who had brought loaded tempo of stones for carrying renovation in his house. On receiving a phone call from the driver of the said tempo, complainant reached the spot wherein petitioners inappropriately behaved with him and his younger brother.

4. Learned counsel for the petitioners submits that the parties are neighbours and no objection by way of affidavits has been filed on record on behalf of respondent No. 2 to 4, for quashing of present FIR. She further submits that the proceedings for quashing of FIR No. 0037/2024, under Sections 323/341/509/34 IPC, registered at PS: Mohan Garden, at the instance of Aruna Kaushik, who is the mother of Amit Kaushik (petitioner No. 2 herein) has also been initiated. She also informs that petitioners as well as respondent No. 2 to 4 have clean past antecedents and both the cases have been voluntarily settled between them, and they have no grievance against each other.

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 further 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 ASI Chand Ram, PS: Mohan Garden. I have interacted with the parties and they confirm that the matter has been amicably settled



2024:DHC:7444



between them without any threat, pressure or coercion. Respondent No. 2 to 4 also submit that since all the disputes between the parties have been amicably settled, they have no objection in case the FIR in question is quashed.

10. Petitioners and respondent No. 2 to 4 being neighbours intend to put quietus to the proceedings arising out of a minor issue. 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.

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. Continuation of proceedings would be nothing but an abuse of the process of Court. Consequently, FIR No. No. 0045/2024, under Sections 323/341/506/ 34 IPC, registered at PS: Mohan Garden and proceedings emanating therefrom stand quashed.

12. In the facts and circumstances, instead of imposing the costs upon the petitioners, they are directed to plant 10 saplings of neem / jamun trees each, which are upto 03 feet in height in the area of PS: Mohan Garden 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: Mohan Garden. 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. 10,000/- each with the Delhi



2024:DHC:7444



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 26, 2024/R