



2024:DHC:8101



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 21.10.2024

+ CRL.M.C. 7714/2024

DEVENDRA KHATIK

.....Petitioner

Through: Mr. Rahul Rai, Advocate.

versus

THE STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Satinder Singh, APP for the State
with SI Purvi Ahlawat, PS: Tilak
Nagar and 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. 29473/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of

CRL.M.C. 7714/2024

1. Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of the petitioner for quashing of FIR No. 614/2019, under Sections 354/354D/506 IPC, registered at P.S.: Tilak Nagar and proceedings emanating therefrom. Chargesheet has been filed under Sections 354/354B/354D/506 IPC.
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 lodged at



instance of respondent No. 2 on 01.12.2019 who alleged that petitioner Devender used to bring persons for employment at her place of work at Clark Hotel. However, despite leaving the work, he used to call her from different numbers and asked her to be his wife. She further alleged that in the month of November 2019, petitioner forcefully sat in the same rickshaw in which respondent no. 2 was travelling and tried to inappropriately touch her on several occasions.

4. Learned counsel for the petitioner submits that petitioner and respondent no. 2 were associated at common work place and the alleged incidents are on account of some misunderstanding between the parties. He further submits that petitioner, who is present in person, expresses remorse and apologizes for any such conduct and there has not been any repeat incident after registration of FIR. It is further pointed out that disputes between the parties have been amicably settled in terms of settlement deed dated 02.09.2024.

5. Respondent No.2 states 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, State 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 in person have been identified by SI Purvi Ahlawat, PS: Tilak 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 also submits that since all the disputes between the parties have been amicably settled, 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. 614/2019, under Sections 354/354B/354D/506 IPC, registered at P.S.: Tilak Nagar 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.: Tilak Nagar 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.: Tilak 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 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 the learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J.

OCTOBER 21, 2024

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