



2024:DHC:7933



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 14.10.2024

+ CRL.M.C. 7769/2024

SHRI BHAGWAN & ORS.

.....Petitioners

Through: Mr.Aabhas Dahiya and Mr.Nitish
Dahiya, Advocates with petitioners in
person.

versus

THE STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr.Manoj Pant, APP for State with SI
Ruby, P.S. Inder Puri.
Mr.Vikas Chaudhary, Mr.Akshay
Rajput and Mr.Lokesh Yadav,
Advocates with respondent No.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. 29636/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of

CRL.M.C. 7769/2024

1. Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of petitioners for quashing of FIR No.0168/2016, under Sections 323/354/509 IPC, registered at P.S.: Inder Puri.

Since Satish Kumar (petitioner No.4) is stated to have expired as per death certificate placed on record, proceedings against petitioner No.4 stand abated.



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2. Issue notice. Learned APP for the State and learned counsel for respondent No.2 to 4 alongwith 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 complaint of respondent No.2 'P', who alleged that on 24.07.2016 at about 9:15 pm, petitioner No.1 inappropriately touched and assaulted her over a minor issue of dripping of water. Further, upon raising noise, her *Dewar* (brother-in-law, B), respondent no. 3 and 4 intervened on which they were also assaulted by petitioners.
4. Learned counsel for the petitioner submits that both parties are cousins and disputes arose over minor family issues which have since been settled in terms of Settlement Deed dated 07.07.2019. He also points out that the petitioners have been clean past antecedents and are not involved in any other incident.
5. Respondent No.2 to 4 in person submit that disputes have been amicably settled between the parties and there has been no repeat incident. They further state that they have no objection to quashing of FIR in view of settlement between parties.
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. 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



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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 Ruby, PS: Inder Puri. I have interacted with the parties. Respondent No.2 to 4 confirm that the matter has been amicably settled between them without any threat, pressure or coercion and that they have no objection in case the FIR in question is quashed.

10. Petitioners and respondent No.2 to 4 intend to put quietus to the proceedings. The settlement shall promote harmony between the parties.



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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. It would be nothing but an abuse of the process of Court. Consequently, FIR No.0168/2016, under Sections 323/354/509/34 IPC, registered at P.S.: Inder Puri 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 P.S.: Inder 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.: Inder 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 petitioners shall be liable to deposit cost of Rs. 10,000/- 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

OCTOBER 14, 2024/v