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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 04.10.2024

+ CRL.M.C. 7848/2024

KETAN BANSAL AND ORS

.....Petitioners

Through: Mr. Harshit Jain, Mr. Prakhar Sharma,
Mr. Raja Sharma and Mr. Rahul
Malik, Advs. alongwith petitioners in
person.

versus

STATE GOVT.OF NCT OF DELHI AND ORS.Respondents

Through: Mr. Satinder Singh Bawa, APP with
SI Sachin, PS Samaipur Badli.
Mr. Yashima Sharma, Mr. Shubham
Gawande, Ms. Heeba Ansari and Mr.
Pardeep Singh, Advs. for R-2 to 5.

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. 29951/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of

CRL.M.C. 7848/2024

1. Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of the petitioners for quashing of FIR No. 633/2024, under Sections 333/115(2)/351(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 ('BNS'), registered at PS: Samaipur Badli



and proceedings emanating therefrom.

2. Issue notice. Learned APP for the State and learned counsel for respondent no. 2 to 5 alongwith respondent nos. 2 to 5 (through VC) appear on advance notice and accept notice.

3. In brief, as per the case of prosecution, present FIR was registered on 19.07.2024, on complaint of Raju Pareek (respondent no. 2) who alleged that on 16.07.2024, there was an altercation with the petitioners over parking of pick-up truck, while unloading the material which led to assault on respondent nos. 2 to 5.

4. Learned counsel for the petitioners submits that matter has been amicably settled in terms of Settlement dated 16.09.2024 (wherein the date has been wrongly reflected on the top of settlement agreement as 16.07.2024). He further submits that petitioners as well as respondent nos. 2 to 5 are running their concerned business in neighbourhood and the incident had occurred at the spur of the moment. It is also pointed out that petitioners have clean past antecedents.

5. Respondent Nos. 2 to 5 (through VC) 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, he has no objection in case the FIR in question is quashed.

7. Petitioners in the present case seek to invoke the powers under 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 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. Petitioners in person and respondent No. 2 to 5 (through VC) have been identified by SI Sachin, PS: Samaipur Badli. 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 5 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 in person and respondent No. 2 to 5 (through VC) intend to



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put quietus to the proceedings arising over 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. 633/2024, under Sections 333/115(2)/351(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 ('BNS'), registered at PS: Samaipur Badli and proceedings emanating therefrom stand quashed.

Petition is accordingly disposed of. Pending applications, if any, also stand disposed of.

ANOOP KUMAR MENDIRATTA, J.

OCTOBER 04, 2024

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