



2024:DHC:7690



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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. 7852/2024

SAYAM TANEJA & ORS.

.....Petitioners

Through: Mr. Rahul Thakur and Mr. Nasvir
Singh, Advs.

versus

THE STATE (N.C.T. OF DELHI) & ANR.

.....Respondents

Through: Mr. Satinder Singh Bawa, APP with
SI Rohit, PS Rani Bagh.
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

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J U D G M E N TANOOP KUMAR MENDIRATTA, J (ORAL)CRL.M.A. 29961/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of

CRL.M.C. 7852/2024

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.630/2014, under Sections 324/34 IPC registered at PS: Rani Bagh and proceedings emanating therefrom.
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 registered on



complaint of respondent no. 2 who alleged that on 23.08.2014, at about 12 in the night while he was proceeding from Captain Satish Marg Rishi Nagar Rani Bagh, he met his acquaintances Sunny, Sayam Taneja and Nikhil. Further, since he objected to abuses being hurled by Nikhil, he was assaulted by the accused, resulting in injuries on his face.

4. Learned counsel for the petitioners submits that petitioners No.1 & 2 and respondent No.2 were closely known to each other and the incident is outcome of some misunderstanding. The matter is further stated to have been amicably settled between the parties without any threat, pressure and coercion. He further submits that petitioner no. 1 and 2 are brothers and have clean past antecedents. Further, a cross FIR No.631/2014, under Sections 323/341/34 IPC registered at P.S.: Rani Bagh, is also stated to have been lodged at instance of petitioner no. 1 against respondent No.2.

5. Respondent No.2 in person submits that since the disputes have been amicably settled between the parties, he has no further grievance against the petitioners and 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 and respondent No.2 are present in person and have been identified by SI Rohit, PS: Rani Bagh. 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, he has no objection in case the FIR in question is quashed.

10. Petitioners 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.

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.630/2014, under Sections 324/34 IPC registered at PS: Rani Bagh 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 50 saplings of Neem/Jamun trees each, which are upto 03 feet in height in the area of P.S.: Rani Bagh 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.: Rani Bagh. The photographs of planted saplings along with 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. 30,000/- 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 04, 2024

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