



2024:DHC:7875



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 08.10.2024

+ CRL.M.C. 7889/2024
PRADEEP MITTAL & ORS.

.....Petitioners

Through: Mr. Tushar Rohmetra, Adv. alongwith
petitioners in person.

versus

STATE (GOVT OF NCT OF DELHI) & ANR.Respondents

Through: Ms. Meenakshi Dahiya, APP with SI
Dilsukh, PS KNK Marg and SI
Yogesh Kumar, PS Crime Branch.
Mr. Ankit Rana, Adv. alongwith
respondent no. 2 in person.

+ CRL.M.C. 7962/2024
JITENDER

.....Petitioner

Through: Mr. Ankit Rana, Adv. alongwith
petitioner in person.

versus

STATE (GOVT. OF NCT OF DELHI) & ANR.Respondents

Through: Ms. Meenakshi Dahiya, APP with SI
Dilsukh, PS KNK Marg and SI
Yogesh Kumar, PS Crime Branch.
Mr. Tushar Rohmetra, Adv. alongwith
petitioners 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. 30396/2024 In CRL.M.C. 7962/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.



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**CRL.M.C. 7889/2024****CRL.M.C. 7962/2024**

1. (i) CRL.M.C. 7889/2024 under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of the petitioners [Pradeep Mittal, Vipin Kumar and Rakesh Rana (since deceased represented through his wife Meenu Rana)] for quashing of FIR No. 311/2011 under Sections 452/323/506/34 IPC registered at P.S.: Crime Branch, North and proceedings emanating therefrom registered at instance of Jitender Kumar.

Since Rakesh Rana (petitioner no. 3 in CRL.M.C.7889/2024 and accused in FIR No. 311/2011) has expired on 30.07.2017, proceedings against him stand abated. In view of above, he is deleted from the array of petitioners in CRL.M.C. 7889/2024, though he is represented through his wife Meenu Rana.

(ii) CRL.M.C. 7962/2024 under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of the petitioner (Jitender Kumar) for quashing of FIR No.173/2012, under Sections 324/506/34 IPC, registered at P.S.: K. N. Katju Marg and proceedings emanating therefrom registered at instance of deceased Rakesh Rana.

Issue notice. Learned APP for the State and learned counsel for respondent no. 2 alongwith Ms. Meenu Rana, w/o late Rakesh Rana in person appear on advance notice and accept notice.

2. In brief, as per the case of prosecution, FIR No.311/2011 (in CRL.M.C. 7889/2024) under Sections 452/323/506/34 IPC was registered against petitioners [Pradeep Mittal, Vipin Kumar and Rakesh Rana (since



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deceased)], on complaint of respondent No.2/Jitender Kumar who alleged that on 09.02.2011, 6-7 persons including Rakesh Rana (since deceased), Pradeep Mittal and Vipin Kumar entered into his mother's office and assaulted him over alleged demolitions which are alleged to have been carried at instance of his mother, being a Municipal Councillor.

FIR No. 173/2012 (in CRL.M.C. 7962/2024), under Sections 324/506/34 IPC was registered against Jitender Kumar at instance of Rakesh Rana (since deceased) pursuant to directions issued by learned MM under Sections 156 (3) Cr.P.C. wherein Rakesh Rana (deceased presently represented through his wife Meenu Rana) alleged that on 09.02.2011 at about 2 PM, accused Jitender Kumar alongwith four boys entered the complainant's office and assaulted him and his associates. The identity of other accused could not be established during investigation and as such chargesheet is stated to have been filed only against Jitender Kumar.

3. Learned counsel for petitioners as well as respondents submit that Rakesh Rana who is complainant in FIR No. 173/2012 in CRL.M.C. 7962/2024 has since expired on 30.07.2017, and is represented by his wife Meenu Rana. They urge that disputes have been amicably settled between the parties who are closely known to each other in terms of Settlement dated 09.09.2024. It is pointed out that petitioners in respective cases have clean past antecedents.

4. Learned APP for the State submits that in view of amicable settlement between the parties, she has no objection in case the FIRs in question are quashed.

5. Petitioners in the present cases seek to invoke the powers under Section 528 of BNSS. The same is to be used to secure the ends of justice or



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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.

6. 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.

7. Petitioners and respondents have been identified by SI Dilsukh, P.S.: K N Katju Marg and SI Yogesh Kumar, P.S.: Crime Branch I have interacted with the parties and they confirm that the matter has been amicably settled between them without any threat, pressure or coercion. Further, since all the disputes between the parties have been amicably settled, they have objection for quashing of FIR.



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8. Parties intend to put quietus to the proceedings. The settlement shall promote harmony between the parties and permit them to move forward in life. Also the chances of conviction are bleak in view of amicable settlement between the parties. Further, no past involvement of the petitioners in respective cases has been brought to the notice of this Court.

9. 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.173/2012, under Sections 324/506/34 IPC, registered at P.S.: K. N. Katju Marg and FIR No. 311/2011 under Sections 452/323/506/34 IPC registered at P.S.: Crime Branch, North and proceedings emanating therefrom stand quashed.

10. In the facts and circumstances, instead of imposing the costs upon the petitioners in respective cases (i.e. Jitender Kumar, Pradeep Mittal and Vipin Kumar), they are directed to plant 50 saplings of Neem trees each, which are upto 03 feet in height in the area of K N Katju Marg 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 IOs / SHOs, PS: K N Katju Marg. The photographs of planted saplings alongwith report of IOs / SHOs 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, petitioners in respective petitions shall be liable to deposit cost of Rs. 50,000/- each with the Delhi State Legal Services Authority.

Petitions are accordingly disposed of. Pending applications, if any,



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also stand disposed of.

A copy of this judgment be forwarded to the learned Trial Court for information.

A copy of this judgement be kept in connected petition.

ANOOP KUMAR MENDIRATTA, J

OCTOBER 8, 2024

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