



2024:DHC:7820



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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. 7970/2024
PRASHANT BATRA

.....Petitioner

Through: Mr. Rahul Khanna, Adv. alongwith
petitioner in person.

versus

STATE GOVT. OF NCT OF DELHI & ANR.Respondents

Through: Mr. Satinder Singh Bawa, APP with
SI Dhananjay Gupta, PS Kirti Nagar.
Mr. Sharan Mehta and Mr. Asutosh
Lohia, Advs. for R-2 alongwith 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. 30417/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 7970/2024

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. 380/2019, under Sections 354/323 IPC, registered at P.S.: Kirti Nagar and proceedings emanating therefrom.
2. Issue notice. Learned APP for the State and learned counsel for respondent No. 2 along with respondent No. 2 and her husband in person



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appear on advance notice and accept notice.

3. In brief, as per the case of prosecution, present FIR was registered on 27.10.2019, on complaint of respondent No.2 since there was an altercation with the petitioner over parking of the car which led to the alleged incident of assault and molestation.

4. Learned counsel for the petitioner submits that present FIR is outcome of an earlier incident on the same day in which an FIR No. 379/2019 under Section 323/341/34 IPC was registered at instance of petitioner (Prashant Batra) against husband of respondent no. 2. He further submits petitioner and respondent No.2 reside in the same society and the disputes have been amicably settled between the parties.

5. Respondent No.2 who is present in person alongwith her husband submit that the disputes have been amicably settled and they have no objection for quashing of FIR.

6. Learned APP for the State submits that in view of amicable settlement between the parties, she has no objection in case the FIR in question is quashed.

7. Petitioners in the present case seek 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



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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. Petitioner and respondent No. 2 alongwith her husband are present in person and have been identified by SI Dhananjay Gupta, PS: Kirti 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 alongwith her husband also state that they have no objection in case the FIR in question is quashed.

10. Petitioners and respondent No. 2 intend to put quietus to the proceedings arising out of a minor altercation over parking. 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. It would be nothing but an abuse of the process of



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Court. Consequently, FIR No. 380/2019, under Sections 354/323 IPC, registered at P.S.: Kirti Nagar and proceedings emanating therefrom stand quashed.

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

ANOOP KUMAR MENDIRATTA, J

OCTOBER 8, 2024

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