



2024:DHC:7848



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 09.10.2024

+ CRL.M.C. 8014/2024

HEMANT GAUR & ANR

.....Petitioners

Through: Mr.Prabhakar Narayan, Advocate with
petitioners in person.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr.Satinder Singh Bawa, APP with SI
Gaurav, P.S. Saket.
Mr.Gaurav Chauhan, Advocate with
respondent No.2 in person.

+ CRL.M.C. 8008/2024

MADHAV GAUR & ANR

.....Petitioners

Through: Mr.Gaurav Chauhan, Advocate with
petitioners in person.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr.Satinder Singh Bawa, APP with SI
Gaurav, P.S. Saket.
Mr.Prabhakar Narayan, Advocate with
respondent No.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.As. 30563-30564/2024 in CRL.M.C. 8008/2024

CRL.M.As. 30589-30590/2024 in CRL.M.C. 8014/2024



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Exemption allowed, subject to just exceptions.

Applications stand disposed of

CRL.M.C. 8008/2024 & CRL.M.A. 30562/2024

CRL.M.C. 8014/2024 & CRL.M.A. 30588/2024

1. (i) CRL.M.C. 8014/2024 under Section 528 BNSS has been preferred on behalf of the petitioners for quashing of FIR No. 0071/2023 under Sections 324/341/506/34 IPC registered at P.S.: Saket and proceedings emanating therefrom.

(ii) CRL.M.C. 8008/2024 under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of the petitioners for quashing of FIR No.0072/2023, under Sections 323/341/506/34 IPC, registered at P.S.: Saket and proceedings emanating therefrom.

2. Issue notice. Learned APP for the State and learned counsels for respondents in respective FIRs alongwith respondents, in person appear on advance notice and accept notice.

3. In brief, as per the case of prosecution, FIR No. 0071/2023 in CRL.M.C. 8014/2024, under Sections 324/341/506/34 IPC was registered against petitioners on complaint of respondent No.2 (Madhav Gaur) who alleged that on 09.02.2023 while all the family members were present at Mandir at Mandir Marg on account of marriage of his cousin Ujwal Gaur, around 7:00 pm, Dinesh Gaur and Hemant Gaur called him to reach the house immediately citing emergency. Further he was assaulted by them on reaching the premises and present FIR was accordingly registered.

4. A cross FIR No. 0072/2023 (in CRL.M.C. 8008/2024), under Sections 323/341/506/34 IPC was registered in respect of the same incident against



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petitioners (Madhav Gaur & Harsh Gaur) on complaint of respondent No.2 (Hemant Gaur) who alleged that he is residing in the same premises as that of the accused. On 09.02.2023 about 7:00 pm, while he was leaving for family function, he found that lock of his car had been manipulated. Thereupon, he confronted Madhav Gaur (petitioner No.1), on which Madhav Gaur became aggressive. As such, a PCR call was made. However, during the intervening period, Madhav Gaur and Harsh Gaur assaulted the complainant.

5. Learned counsels for the parties submit that both petitioners as well as respondents are cousins who are residing in the same premises for the past 40 years. Present incidents are alleged to be outcome of misunderstanding between the parties, though there was no intention to cause injuries on either side. Learned counsels for respective parties further submit that matter has been amicably settled in terms of MoU dated 19.04.2023 and parties undertake to refrain from such acts in future.

6. Learned APP for the State does not dispute the factual position and submits that since the disputes have been amicably settled between the parties, he has no objection in case the FIRs in question are quashed.

7. Petitioners in the respective cases seek to invoke the powers under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023. 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



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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. Parties are present in person and have been identified by SI Gaurav, PS: Saket. I have interacted with the parties and they confirm that the matter has been amicably settled between them without any threat, pressure or coercion. Respondents in respective petitions submit that since all the disputes between the parties have been amicably settled, they have no objection for quashing of FIRs.

10. Parties being cousins intend to put quietus to the proceedings which unfortunately arose due to misunderstanding between the parties. 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



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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.0071/2023, under Sections 324/341/506/34 IPC and FIR No.0072/2023 under Sections 323/341/506/34 IPC, both registered at P.S.: Saket and proceedings emanating therefrom stand quashed.

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

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

A copy of this order be kept in connected petition.

ANOOP KUMAR MENDIRATTA, J

OCTOBER 09, 2024/v