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*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

% Date of Decision: 21.10.2024

+ W.P.(CRL) 3176/2024

VIKAS CHHILLAR & ORS.Petitioners

Through: Mr. Amardeep Inder, Adv.

versus

THE STATE GOVT OF NCT OF DELHI & ANR.Respondents

Through: Mr. Manoj Pant, APP for Ms. Nandita Rao, ASC for the State.

SI Prashant, PS Kanjhawala and ASI Sumit, PS Jaffarpur Kalan.

Ms. Sakshi Sachdeva, Ms. Aayushi Gupta and Mr. Siddharth Vashisth, Advs for R-2.

+ W.P.(CRL) 3187/2024

DHRAM SINGHPetitioner

Through: Ms. Sakshi Sachdeva, Ms. Aayushi Gupta and Mr. Siddharth Vashisth, Advs.

versus

THE STATE OF NCT OF DELHI & ORS.Respondents

Through: Mr. Anand V. Khatri, ASC with SI Prashant, PS Kanjhawala and ASI Sumit, PS Jaffarpur Kalan.

Mr. Amardeep Inder, Adv for R-2.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

% J U D G M E N T

ANOOP KUMAR MENDIRATTA, J (ORAL)

1. (i) W.P.(CRL) 3176/2024 under Article 226 of the Constitution of



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India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of the petitioners (Vikas Chhillar, Amit Chhillar, Sumit Chhillar and Vishal Chhillar) for quashing of FIR No. 04/2018 under Sections 323/341/34 IPC registered at P.S.: Kanjhawala at instance of respondent no. 2 (Dhram Singh), and proceedings emanating therefrom. Chargesheet has been filed under Sections 308/341/34 IPC.

(ii) W.P.(CRL) 3187/2024 under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of the petitioner (Dhram Singh) for quashing of FIR No.267/2018, under Sections 324/506/509 IPC, registered at P.S.: Kanjhawala at instance of respondent No. 2 (Vishal Chhillar) and proceedings emanating therefrom.

2. In brief, as per the case of prosecution, FIR No.04/2018 in W.P.(CRL) 3176/2024 under Sections under Sections 323/341/34 IPC was registered against petitioners (Vikas Chhillar, Amit Chhillar, Sumit Chhillar and Vishal Chhillar), on complaint of Dhram Singh who alleged that at around 04:50 PM on 04.01.2018, when he proceeded for duty, Sumit @ Tinu abused him on way. Further, he was assaulted by Vikas @ Chota, Tinu @ Dheelu, Bholu and Vishal alongwith 4-5 other persons.

3. FIR No. 267/2018 in W.P.(CRL) 3187/2024, under Sections 324/506/509 IPC was registered against Dhram Singh, at instance of Vishal Chhillar who alleged that on 26.07.2018 at around 08:30 PM, Dhram Singh came to his premises and started abusing him. Further, when his mother intervened Dhram Singh abused and assaulted both of them and fled after threatening them.

4. Learned counsel for respective parties submit that they are resident of



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same village and disputes arose out of some misunderstanding which have been amicably settled.

5. Learned APP and learned ASC for the State submit that in view of amicable settlement between the parties, State has no objection in case the FIRs in question are quashed.

6. Petitioners in the respective cases 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.

7. 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



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prejudice the accused.

8. Principles for quashing of FIR have been delineated in ***Gian Singh vs. State of Punjab & Anr., (2012) 10 SCC 303*** and ***Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur & Ors. vs. State of Gujarat & Anr., (2017) 9 SCC 641***. Predicated on settlement between the parties, FIRs under Sections 308/323/341/34 IPC have been quashed in '***Laxman Karotia & Ors. vs. The State NCT of Delhi & Ors.***', CRL.M.C. 813/2024 decided on 16.02.2024 by Co-ordinate Bench of this Court and '***Amit Kumar & Ors. vs. State & Ors.***'. CRL.M.C. 2106/2024, decided on 15.03.2024 by this Court.

9. Parties are present in person and have been identified by SI Prashant, PS Kanjhawala and ASI Sumit, PS Jaffarpur Kalan. 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 in W.P.(CRL) 3176/2024 and Respondent No. 2 and 3 in W.P.(CRL) 3187/2024 also submit that since all the disputes between the parties have been amicably settled, they have no objection in quashing of FIR.

10. 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.

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. 0004/2018 under Sections 308/341/34 IPC, registered at P.S.: Kanjhawala and FIR No. 0276/2018, under Sections 324/506/509 IPC, registered at



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P.S.: Kanjhawala alongwith proceedings emanating therefrom stand quashed.

12. In the facts and circumstances, instead of imposing the costs upon the petitioners in W.P.(CRL) 3176/2024 (i.e. Vikas Chhillar, Amit Chhillar, Sumit Chhillar and Vishal Chhillar), they are directed to plant 30 saplings of Neem trees each, which are upto 03 feet in height in the area of Kanjhawala 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, PS: Kanjhawala. The photographs of planted saplings alongwith 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, petitioners in W.P.(CRL) 3176/2024 shall be liable to deposit cost of Rs. 30,000/- each with the Delhi State Legal Services Authority.

Petitions are accordingly disposed of. Pending applications, if any, 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 21, 2024

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