



2024:DHC:8047



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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 18.10.2024

+ CRL.M.C. 8204/2024

SAGEER AHMAD @ SAGIR AHAMAD &amp; ORS. ....Petitioners

Through: Mr. Kunwerpal Singh, Advocate with  
Petitioners in person.

versus

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

Through: Mr. Satinder Singh Bawa, APP with  
SI Harshvardhan Arya, PS: Farsh  
Bazar.Mr. Salim Malik, Ms. Shavana,  
Mr. Samshad Khan and Ms. Anjali  
Mangal, Advocates for R-2 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.A. 31337/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of.

**CRL.M.C. 8204/2024**

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. 0349/2014, under Sections 195A/341/323/506/34 IPC, registered at PS: Farsh Bazar and proceedings emanating therefrom. Chargesheet has been filed under Sections 323/341/195A/354/354B/506/34 IPC.

2. Issue notice. Learned APP for the State and learned counsel for respondent No. 2 along with respondent No. 2 in person appear on advance notice and accept notice.



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3. In brief, as per the case of the petitioners, marriage between petitioner No. 2 and respondent No. 2 was solemnized according to Muslim Rites and ceremonies on 28.11.2005. A male child was born out of the wedlock on 23.11.2006. Due to matrimonial differences, FIR No. 0516/2007, under Sections 498A/406/34 IPC and Sections 3/4 of Dowry Prohibition Act was initially registered at PS: Gokalpuri at the instance of respondent No. 2, which was settled vide Settlement Deed dated 01.10.2016. Petitioner No.2 is stated to have divorced respondent No. 2 in accordance with Muslim law. Further, FIR No. 0516/2007 is stated to have been quashed vide order dated 08.05.2017 passed in CrI.M.C.1872/2019.

It is further the case of petitioners that during pendency of earlier proceedings, present FIR No. 0349/2014, under Sections 195A/341/323/506/34 IPC was also registered, which has been settled between the parties in terms of the Settlement Deed dated 24.05.2024 arrived at Delhi Mediation Centre, Karkardooma Courts, Delhi.

4. Learned counsel for petitioners submits that present FIR No.349/2014 is outcome of matrimonial differences between the parties, which have been amicably resolved between them in terms of Settlement Deed dated 24.05.2024. He further submits that the petitioners have clean past antecedents and the offences under Sections 323/341/506/34 IPC stand compounded before the learned Trial Court. Present proceedings are stated to be pending since the charge has also been framed under Sections 354/195A/34 IPC.

5. An amount of Rs. 70,000/- has been handed over to respondent No. 2 today through DD No. 209153 dated 09.09.2024 drawn on Punjab National Bank, in favour of respondent No. 2.



6. Respondent No. 2 states that since the disputes have been amicably settled between the parties, she has no further grievance in this regard and no objection in case the FIR in question is quashed.
7. 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.
8. Petitioners in the present case seek to invoke the powers under Section 482 of the Code of Criminal Procedure. 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.
9. 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 482 Cr.P.C. 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.

**10.** Petitioners and respondent No. 2 have been identified by SI Harshvardhan Arya, PS: Farsh Bazar. 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, she has no objection for quashing of FIR in question.

**11.** Petitioners and respondent No. 2 intend to put quietus to the proceedings arising out of matrimonial differences. 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 of this Court.

**12.** 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. 0349/2014, under Sections 323/341/195A/354/354B/506/34 IPC, registered at PS: Farsh Bazar and proceedings emanating therefrom stand quashed.

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 18, 2024/R**