



2024:DHC:8161



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 21.10.2024

+ CRL.M.C. 8294/2024

RAVI RANJAN KUMAR

.....Petitioner

Through: Mr.Raj Kumar, Ms.Sangita, Mr.Ashok
and Mr.Vinod Kumar, Advocates with
petitioner in person.

versus

THE STATE AND ANR.

.....Respondents

Through: Ms.Manjeet Arya, APP for State with
SI Dhirender (now East District) &
WSI Ridhima, P.S. Model Town.
Mr.Harsh Dixit and Ms.Shivangi
Singh, Advocates with respondent
No.2 (through VC).

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. 31698/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of

CRL.M.C. 8294/2024

1. Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of petitioner for quashing of FIR No.0855/2015, under Sections 354/506/509/34 IPC, registered at P.S.: Model Town.
2. Issue notice. Learned APP for the State and learned counsel for respondent No.2 alongwith respondent No.2 (through VC) and father of respondent No.2 in person appear on advance notice and accept notice.



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3. In brief, as per the case of prosecution, present FIR was registered on 04.12.2015 at instance of respondent No.2 who alleged that petitioner (Ravi Ranjan Kumar) who is the son of the tenant in the premises alongwith his cousin 'S' started breaking the door of the premises and when she opened the same to stop them, she was assaulted and inappropriately touched. Present FIR was accordingly registered.

4. Learned counsel for the petitioner submits that the dispute primarily relates to landlord-tenant dispute, which led to registration of present FIR. He further submits that disputes have since been amicably settled between the parties in terms Settlement Deed dated 09.05.2024. He also points out that proceedings between the same parties arising out of FIR No.847/2015 have already been quashed and steps have been taken for quashing of proceedings arising out of FIR No. 849/2015. Further, the proceedings against juvenile 'S' are stated to have already been concluded, in accordance with law.

5. Respondent No.2 (through VC) alongwith her father who is present in person confirm that the disputes have been amicably settled between the parties and have no objection for quashing of FIR, in view of settlement between the parties.

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. Petitioner in the present case seeks to invoke the powers under Section 528 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



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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 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 who is present in person and respondent No. 2 (through VC) have been identified by WSI Ridhima, PS: Model Town. I have interacted with the parties. Respondent No.2 (through VC) alongwith her father who is present in person confirm that the matter has been amicably settled between them without any threat, pressure or coercion and they have no objection in case the FIR in question is quashed.

10. Petitioner and respondent No.2 alongwith her father intend to put quietus to the proceedings. The settlement shall promote harmony between



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the parties. Also the chances of conviction are bleak in view of amicable settlement between the parties. Further, no past involvement of the petitioner has been brought to the notice 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. It would be nothing but an abuse of the process of Court. Consequently, FIR No.0855/2015, under Sections 354/506/509/34 IPC, registered at P.S.: Model Town and proceedings emanating therefrom stand quashed.

12. In the facts and circumstances, instead of imposing the costs upon the petitioner, he is directed to plant 25 saplings of Neem / Jamun trees, which are upto 03 feet in height in the area of P.S.: Model Town 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, P.S.: Model Town. 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, the petitioner shall be liable to deposit cost of Rs. 25,000/- with the Delhi State Legal Services Authority.

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 21, 2024/v