



2024:DHC:8112



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 21.10.2024

+ W.P.(CRL) 3276/2024

RAVI SHUKLA & ORS.

.....Petitioners

Through: Mr. Harshit Jain and Mr. Deepak
Yadav, Advs alongwith petitioners in
person.

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Yasir Rauf Ansari, ASC with
Mr. Alok Sharma and Mr. Vasu
Agarwal, Advocates and with SI
Meenakshi Mann, PS: North Rohini.
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. 31614/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of

W.P.(CRL) 3276/2024

1. Writ Petition 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 petitioners for quashing of FIR No. 422/2022, under Sections 323/341/509/354/354A/34 IPC, registered at P.S.: North Rohini and proceedings emanating therefrom.



2. Issue notice. Learned APP for the State and respondent No. 2 in person appears on advance notice and accepts notice.
3. In brief, as per the case of prosecution, present FIR was registered at instance of respondent No. 2 on 06.08.2022 who alleged that on 29.07.2022, when she came down from her premises, she saw her neighbour Sandeep and his wife Neelam were having a quarrel with Ravi Shukla (petitioner no. 1) and his mother. Further, when she intervened, she was assaulted and abused. In the meantime, an ambulance reached at the spot and took Ravi Shukla and his mother to the hospital. Subsequently, she alongwith her husband, Sandeep and his wife Neelam also reached BSA hospital wherein she was assaulted by Ravi Shukla (petitioner no. 1), his nephew Sagar Shukla (petitioner no. 3), his son Shivam Shukla (petitioner no. 2) and one Krishan Sharma (petitioner no. 4).
4. Learned counsel for the petitioners submits that present FIR is an outcome of an earlier incident between the parties over a dispute primarily between petitioner no. 1 and respondent no. 2 alongwith her family over construction which was being carried out in their respective premises. He further submits that petitioners as well as respondent no. 2 are neighbours and misunderstanding between the parties have since been cleared, and disputes have been amicably settled. He further informs that FIR Nos. 553/2022, 554/2022 and 590/2022 separately registered at P.S.: Shahbad Dairy between the parties alongwith other co-accused which have also been settled.
5. Respondent No. 2 submits that since the disputes have been amicably settled between the parties, she has no objection for quashing of FIR.



6. 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.

7. Petitioner in the present case seeks 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 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 of 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. Petitioners and respondent No. 2 in person have been identified by SI Meenakshi, PS: North Rohini. 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 states that she has no objection in case the FIR in question is quashed.

10. Petitioners and respondent No.2 being neighbours intend to put quietus to the proceedings. The settlement shall promote harmony between the parties. Also the chances of conviction are bleak in view of amicable settlement between the parties.

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. 422/2022, under Sections 323/341/509/354/354A/34 IPC, registered at P.S.: North Rohini and proceedings emanating therefrom stand quashed.

11. In the facts and circumstances, since the disputes are stated to be primarily in between petitioner no. 1 and respondent no. 2 & her family, instead of imposing the costs upon all the petitioners, only petitioner no. 1 is directed to plant 50 saplings of Neem / Jamun trees, which are upto 03 feet in height in the area of P.S.: North Rohini 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.: North Rohini. 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



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undertaken by the authorities concerned. In case of non compliance of directions for planting of trees, the petitioner no. 1 shall be liable to deposit cost of Rs. 50,000/- 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 the learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J.

OCTOBER 21, 2024

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