



2024:DHC:8227



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of Decision: 23.10.2024

+ W.P.(CRL) 3277/2024

ISHWER SINGH & ORS.Petitioners

Through: Petitioners in person with counsel.

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Rahul Tyagi, ASC for State with Mr. Sangeet Sibou, Mr. Aniket, Mr. Mathew M. Philip, Ms. Priya Rai and Mr. Abhishek Tomar, Advocates with SI Sandeep Kumar, PS: S. P. Badli and 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. 31645/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of.

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1. 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. 673/2018, under Sections 323/354/506/34 IPC, registered at PS: Samaipur Badli and proceedings emanating therefrom.

2. Issue notice. Learned ASC for the State along with respondent No. 2



in person appear on advance notice and accept notice.

3. In brief, as per the case of the prosecution, present FIR was registered on complaint of respondent No. 2, who alleged that on 23.08.2018 her mother-in-law forcefully entered their room and assaulted her husband. Further, her mother-in-law was joined by father-in-law, brother-in-law and sister-in-law who jointly assaulted her husband. When her elder brother-in-law and sister-in-law (*Jeth and Jethani*) intervened to help them her husband and her elder brother-in-law were assaulted by the mother-in-law.

4. Learned counsel for petitioners submits that present FIR is outcome of disputes and differences, between respondent No. 2 and her in-laws. He further contends that there has been no repeat incident after registration of FIR and disputes have been amicably settled between the parties though no formal settlement deed has been executed. He further informs that after the alleged incident, both the parties are residing in separate premises.

5. Respondent No. 2 states that since the disputes have been amicably settled between the parties, she has no objection in case the FIR in question is quashed.

6. Learned ASC 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. 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.

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 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.

9. Petitioners and respondent No. 2 along with her husband and elder brother-in-law have been identified by SI Sandeep Kumar, PS: S. P. Badli. I have interacted with the parties and they confirm that 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.

10. Petitioners and respondent No. 2 along with her husband and elder brother-in-law intend to put quietus to the proceedings arising out of differences between respondent No.2 and her in-laws. The settlement shall



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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. Continuation of proceedings would be nothing but an abuse of the process of Court. Consequently, FIR No. 673/2018, under Sections 323/354/506/34 IPC, registered at PS: Samaipur Badli 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 23, 2024/R