



2024:DHC:8228



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of Decision: 23.10.2024

+ CRL.M.C. 8335/2024

HARISH KUMAR GUPTA & ANR.Petitioners

Through: Ms. Saroj Nahar, Advocate with
Petitioners in person.

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Satinder Singh Bawa, APP with
SI Rajesh Kuma, PS: Vijay Vihar.
Mr. Parveen Dabas, Adv. for R-2 with
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)**

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. 263/2019, under Sections 354/509/34 IPC, registered at PS: Vijay Vihar and proceedings emanating therefrom.
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.
3. In brief, as per the case of prosecution, present FIR was registered on complaint of respondent No. 2, who alleged that on 04.09.2019 about 06:00 PM when she had visited the house of Khushi (friend of her daughter), obscene comments were made by a person, who was consuming alcohol with



father of Khushi and other persons, which was objected to by Respondent No. 2. Thereafter, about 09:30 PM, petitioners reached her residence, wherein they misbehaved and outraged her modesty.

4. Learned counsel for petitioners submits that the incident, as alleged, is disputed and points out that a cross-FIR No. 0259/2019, under Section 308 IPC was registered at PS: Vijay Vihar at instance of petitioner No. 1 against husband of respondent No. 2, arising out of the same incident. Further, separate proceedings are stated to have been preferred for quashing of both the FIRs in terms of Settlement Deed attested on 09.05.2024.

5. Respondent No. 2, who is present in person, admits that since disputes have been amicably settled between the parties, she has no further grievance in this regard and has no objection in case the FIR in question is quashed.

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. 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



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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 have been identified by SI Rajesh Kumar, PS: Vijay Vihar. 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.

10. Petitioners and respondent No. 2 intend to put quietus to the proceedings arising out of minor differences. The settlement shall promote harmony between the parties. 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. 263/2019, under



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Sections 354/509/34 IPC, registered at PS: Vijay Vihar 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