



2024:DHC:8611



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 07.11.2024

+ CRL.M.C. 8732/2024

NIVESH & ORS.

.....Petitioners

Through: Mr. Piyush Sharma, Mr. Sahil Sharma
and Mr. Aashish Kumar, Advocates
with Petitioners-in-person.

versus

STATE (NCT OF DELHI) & ANR.

.....Respondents

Through: Mr. Satinder Singh Bawa, APP with
ASI Vikram Singh, PS: Karawal
Nagar and 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. 33406/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 8732/2024

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. 0828/2014, under Sections 323/34 IPC, registered at PS: Karawal Nagar and proceedings emanating therefrom. Chargesheet was filed under Sections 323/354A/34 IPC.

2. Issue notice. Learned APP 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 prosecution, present FIR was registered on 18.09.2014, on complaint of respondent No. 2, who alleged that she was harassed by her husband and in-laws including her Brother-in-Law (*Nandoi*) / petitioner No. 3. Chargesheet was accordingly filed only against petitioner No. 1 (Husband), while petitioner No. 2 (Mother-in-Law) and petitioner No. 3 (Brother-in-Law) were kept in Column No. 12, as informed by learned APP for the State.

4. Learned counsel for petitioners submits that the present FIR was registered on account of matrimonial differences between petitioner No. 1 and respondent No. 2, which have been amicably settled vide Settlement Deed dated 03.10.2024 and the parties started residing together since November, 2014.

5. Respondent No. 2, who is present in person, confirms that since the 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 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023. 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 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 are present in person and have been identified by ASI Vikram Singh, PS: Karawal Nagar. 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 matrimonial differences between petitioner No. 1 and respondent No. 2. The settlement shall promote harmony between the parties and permit them to move forward in life. Also, the chances of



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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.

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. 0828/2014, under Sections 323/354A/34 IPC, registered at PS: Karawal Nagar 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.

NOVEMBER 07, 2024/R