



2024:DHC:8634



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 07.11.2024

+ W.P.(CRL) 3463/2024

NITESH SINGH ALIAS NITESH & ORS.

.....Petitioners

Through: Mr.Vishal Tiwari and Ms.Vaishnavi
Rajora, Advocates with petitioners in
person.

versus

STATE OF NCT DELHI & ANR.

.....Respondents

Through: Mr.Anand V. Khatri, ASC (Crl.) for
State with SI Arvind Kumar,
P.S. Sangam Vihar.
Mr.Abhinav, Advocate for R-2 with
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)**

1. Writ Petition under Article 226/227 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of petitioners for quashing of FIR No. 0517/2021, under Sections 323/341/506/34 IPC, registered at P.S.: Sangam Vihar.
2. Issue notice. Learned ASC for the State and learned counsel for respondent No.2 alongwith 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 12.10.2021 at instance of respondent No.2 who alleged that on 10.10.2021,



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there was an altercation between his friends Karan @ Chhotu and Nitesh. Further, when he intervened to ask reasons for quarrel, he was assaulted by Saurabh, Ankit Chauhan and others, resulting in injuries on his person.

4. Learned counsel for the petitioners submits that petitioners as well as respondent No. 2 are known to each other and disputes have been amicably settled between them in terms of Memorandum of Settlement dated 04.11.2024.

5. Respondent No.2 who is present in person confirms that the disputes have been amicably settled between the parties and 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 FIR in question is quashed.

7. Petitioners in the present case seek 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 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,



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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 SI Arvind Kumar, PS: Sangam Vihar. I have interacted with the parties. Respondent No.2 who is present in person confirms that the matter has been amicably settled between them without any threat, pressure or coercion and he has no objection in case FIR in question is quashed.

10. Petitioners and respondent No.2 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. Further, no past involvement of the petitioners has been brought to the notice of this Court.

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.0517/2021, under Sections 323/341/506/34 IPC, registered at P.S.: Sangam Vihar and proceedings emanating therefrom stand quashed.

11. In the facts and circumstances, instead of imposing the costs upon the petitioners, they are directed to plant 15 saplings of Neem / Jamun trees



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each, which are upto 03 feet in height in the area of P.S.: Sangam Vihar 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.: Sangam Vihar. 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 petitioners shall be liable to deposit cost of Rs. 15,000/- each 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

NOVEMBER 07, 2024/v