



2024:DHC:8666



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 08.11.2024

+ CRL.M.C. 8752/2024

JAYANT CHAUDHARY

.....Petitioner

Through: Mr. Rachit Khandelwal and Ms. Sonia Khandelwal, Advs.

versus

STATE GOVT. OF NCT OF DELHI AND ORS.Respondents

Through: Mr. Satinder Singh Bawa, APP for State with SI Sanjeet Rana, PS: Safdarjung Enclave.

Mr. Paripoorn Singh, Advocate for R-2 and R-3 with respondent No. 2 and 3 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. 33483/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 8752/2024

1. Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of the petitioner for quashing of FIR No. 0209/2018, under Sections 341/323/506 IPC, registered at P.S.: Safdarjung Enclave and proceedings emanating therefrom. Chargesheet has been filed under Sections 341/323/354/506/509 IPC.



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2. Issue notice. Learned APP for the State and learned counsel for respondent No. 2 and 3 along with respondent No. 2 and 3 in person appear on advance notice and accept notice.
3. In brief, as per the case of prosecution, present FIR was registered on 26.08.2018, on complaint of respondent No.2, who alleged that since there was an altercation with the petitioner over parking of the car, he was assaulted by the petitioner. Further, when his wife intervened, she was also assaulted.
4. Learned counsel for the petitioner submits that the disputes have been amicably settled between the parties in terms of MoU dated 23.10.2024. He further points out that petitioner has clean past antecedents and is not involved in any other case.
5. Respondent No.2 and 3 who are present in person submit that the disputes have been amicably settled and they have 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 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. Petitioner and respondent No. 2 and 3 are present in person and have been identified by SI Sanjeet Rana, PS: Safdarjung Enclave. 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 and 3 also state that they have no objection in case the FIR in question is quashed.

10. Petitioner and respondent No. 2 and 3 intend to put quietus to the proceedings arising out of a minor altercation over parking. 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



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keeping the case pending. It would be nothing but an abuse of the process of Court. Consequently, FIR No. 0209/2018, under Sections 341/323/354/506/509 IPC, registered at P.S.: Safdarjung Enclave and proceedings emanating therefrom stand quashed.

12. In the facts and circumstances, instead of imposing the costs upon the petitioner, he is directed to plant 25 saplings of neem / jamun trees, which are upto 03 feet in height in the area of P.S.: Safdarjung Enclave 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.: Safdarjung Enclave. 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 petitioner shall be liable to deposit cost of Rs. 25,000/- 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.

NOVEMBER 08, 2024/p