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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of Decision: 13.05.2024

+ CRL.M.C. 2137/2024

VIPIN AND ORS.

..... Petitioners

Through: Mr.U.S.Gautam, Mr. Shubham Shukla
and Mr. Sachin Chaudhary, Advocates
with petitioners in person.

versus

THE STATE NCT OF DELHI AND ANR

..... Respondents

Through: Ms.Meenakshi Dahiya, APP for State
alongwith SI Dharamveer & ASI(IO)
Ashok Kumar, P.S. Chhawla.
Respondent No.2 alongwith his father
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 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioners for quashing of FIR No. 479/2023, under Sections 308/34 IPC, registered at P.S.: Chhawla.
2. In brief, as per the case of prosecution, present FIR was registered on 19.10.2023 on complainant of respondent No.2 who alleged that on 18.10.2023 while he was returning from school, he was assaulted by some boys when he refused to sit in the car driven by them. Further he was forcibly taken in the car and after the assault was left outside the Village. In supplementary statement, respondent No.2 disclosed the names of alleged



accused as Vipin, Naveen, Sanju, Akshay @ Laadu, Harsh Yadav and Nishant. Section 365 IPC was invoked during the course of investigation.

3. Learned counsel for the petitioners submits that petitioners as well as respondent No.2 were students at the relevant time and are also presently pursuing their respective studies/courses. He further urges that all the petitioners are within the age group of 19 to 23 years and have clean past antecedents. It is emphasized that alleged occurrence was over some minor incident between the petitioners as well respondent No.2 who are closely known to each other and reside in vicinity. The disputes between the parties are stated to have been amicably resolved in terms of Settlement Deed dated 26.10.2023.

4. Learned APP for the State submits that in view of amicable settlement between the parties, the State has no objection in case the FIR in question is quashed.

5. 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.

6. 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.

7. Principles for quashing of FIR have been delineated in *Gian Singh vs. State of Punjab & Anr.*, (2012) 10 SCC 303 and *Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur & Ors. vs. State of Gujarat & Anr.*, (2017) 9 SCC 641. Predicated on settlement between the parties, FIRs under Sections 308/323/341/34 IPC have been quashed in '*Laxman Karotia & Ors. vs. The State NCT of Delhi & Ors.*', CRL.M.C. 813/2024 decided on 16.02.2024 by Co-ordinate Bench of this Court and '*Amit Kumar & Ors. vs. State & Ors.*', CRL.M.C. 2106/2024, decided on 15.03.2024 by this Court.

8. Petitioners and Respondent No. 2 are present in person and have been identified by ASI (IO) Ashok Kumar, P.S. Chhawla. 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 submits that since petitioners are closely known and all the disputes between



the parties have been amicably settled and he has no further objection for quashing of FIR.

9. Parties are closely known to each other and intend to put quietus to the proceedings. The settlement shall promote harmony between the parties and permit them to move forward in life. 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.

10. 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. 479/2023, under Sections 308/365/34 IPC, registered at P.S.: Chhawla and proceedings emanating therefrom stand quashed.

In the facts and circumstances, instead of imposing the costs upon the petitioners, they are directed to plant 10 saplings of trees each, which are upto 03 feet in height in the local parks in the area of P.S. Chhawla 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. Chhawla. 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, each of the petitioner shall be liable to deposit cost of Rs. 10,000/- with the Delhi State Legal Services Authority.

Petition is accordingly disposed of. Pending applications, if any, also



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stand disposed of.

A copy of this order be forwarded to the learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J.

MAY 13, 2024/v