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

% Date of Decision: 07.05.2024

+ CRL.M.C. 855/2024

SNEH LATA & ORS. Petitioners

Through: Mr.Saumay Kapoor, Advocate with
petitioners in person.

versus

STATE (NCT OF DELHI) & ANR Respondents

Through: Ms.Kiran Bairwa, APP for State
alongwith SI Mahesh & ASI/IO
Rajesh, P.S. Kalkaji.
Mr.Alok Bachawat and Mr.Anmol
Gupta, Advocates 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. 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. 408/2022, under Sections 323/341/34 IPC, registered at P.S.: Kalkaji and proceedings emanating therefrom. Charge-sheet has been filed under Sections 323/341//394/427/34 IPC. Section 308 IPC has been subsequently invoked.

2. In brief, as per the case of prosecution, present FIR was registered on complaint of Chander Mohan (respondent No. 2), who alleged that his wife Sneh Lata (petitioner No.1) was residing separately at her parental house



with their children but often used to visit his office and misbehaved and abused him. On 01.06.2023 at about 5:00 PM, his wife (petitioner No.1) alongwith her parents forcibly entered his office wherein father-in-law Mahender Singh Dhillon (petitioner No.3) and mother-in-law (petitioner No.2) abetted/provoked his wife (petitioner No.1) to kill the complainant. Complainant was further assaulted by his wife Sneh Lata who also tried to run away with his laptop, cash and bag. He further alleged that when he tried to take back his belongings, he was stopped by Saroj Devi and Chander Mohan.

3. Learned counsel for the parties submit that disputes primarily arise out of the matrimonial differences between the parties and have been amicably resolved in terms of Settlement Deed dated 29.03.2023. The marriage between petitioner No. 1 and respondent No.2 has been dissolved by decree of divorce dated 18.03.2024, by way of mutual consent under Section 13B(2) of the Hindu Marriage Act. Two sons born out of the wedlock are stated to be in custody of petitioner No.1 and entire amount in terms of the Settlement Deed has been received on behalf of petitioner No.1.

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. 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 Rajesh, P.S. Kalkaji. 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 all the disputes between the parties have been amicably settled and he has no further



grievance in this regard.

9. Parties intend to put quietus to the proceedings, since the disputes arise out of matrimonial differences. 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. 408/2023, under Sections 323/341/394/427/308/34 IPC, registered at P.S.: Kalkaji and proceedings emanating therefrom stand quashed.

In the facts and circumstances, instead of imposing the costs upon the petitioners, they are directed to plant 50 saplings of trees, which are upto 03 feet in height in the local parks in the area of P.S. Kalkaji 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. Kalkaji. 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. 50,000/- 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.

MAY 07, 2024/v