

Saurabh Aggarwal & Anr vs State & Anr on 12 January, 2022

Author: Subramonium Prasad

Bench: Subramonium Prasad

\$~38 & 39

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 163/2022

SAURABH AGGARWAL & ANR.

Through:

..... Petitioners
Mr. Sanjeev Kumar, Advocate (Enrl
No.D/2988/99) along with petitioners
- in person (Through VC).

versus

STATE & ANR.

Through:

..... Respondents
Mr. Raghuvinder Verma, APP for the
State with SI Gurmeet Kaur, PS Civil
Lines.
Respondent No.2 - in person
(Through VC).

+ CRL.M.C. 164/2022

UMA CHARAN AGGARWAL AND ANR

Through:

..... Petitioners
Mr. Vibhor Gupta, Advocate (Enrl.
No.D/2074/2007) along with
petitioners - in person.

versus

THE STATE OF NCT OF DELHI AND ANR & ANR.

Through:

..... Respondents
Mr. Raghuvinder Verma, APP for the
State with SI Meena Chawla, PS Civil
Lines.
Respondent No.2 - in person
(Through VC).

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD
ORDER

% 12.01.2022 HEARD THROUGH VIDEO CONFERENCING CRL.M.A. 619/2022 (Exemption) in CRL.M.C. 163/2022 CRL.M.A. 620/2022 (Exemption) in CRL.M.C. 164/2022 Allowed, subject to all just exceptions.

CRL.M.C. 163/2022 & CRL.M.C. 164/2022

1. The petition bearing CRL.M.C. 163/2022 under Section 482 Cr.P.C has been filed for quashing FIR No.82/2021 dated 31.03.2021, registered at Police Station Civil Lines for offence under Sections 354/323/509 IPC. The present FIR arises out of a dispute which is civil in nature. Respondent No.2 is the complainant.

2. The petition bearing CRL.M.C. 164/2022 under Section 482 Cr.P.C has been filed for quashing FIR No.83/2021 dated 31.03.2021, registered at Police Station Civil Lines for offence under Sections 354/323/506/509 IPC. The present FIR arises out of a dispute which is civil in nature. Respondent No.2 is the complainant.

3. A perusal of the above two FIRs reveals that these are all cross complaints. It is stated that both parties are closely related to each other. It is stated that owing to some misunderstanding, a quarrel took place over a issue of parking of vehicle, which involves the family member from both the sides.

4. It is stated that with the intervention of the common family friends and the respectable persons of the locality, both the parties have entered into an amicable settlement. A copy of the Settlement Agreement dated 07.10.2021 have also been placed on record. In terms of the Settlement Agreement the parties have decided to live peacefully

5. Today, the parties have joined the proceedings through Video Conferencing. The petitioners in CRL.M.C. 163/2022 have been identified by their counsel Mr. Sanjeev Kumar, Advocate (Enrl No.D/2988/99). The complainant/respondent No.2 in CRL.M.C. 163/2022 has been identified by the Investigating Officer, SI Gurmeet Kaur, PS Civil Lines, who also joined the proceedings through Video Conferencing. The petitioners CRL.M.C. 164/2022 have been identified by their counsel Mr. Vibhor Gupta, Advocate (Enrl. No.D/2074/2007). The complainant/respondent No.2 in CRL.M.C. 164/2022 has been identified by the Investigating Officer, SI Meena Chawla, PS Civil Lines, who also joined the proceedings through Video Conferencing. The complainant/respondent No.2 in CRL.M.C. 163/2022 states that she has settled disputes with the petitioners out of her own free will, without pressure, coercion or undue influence and states that she does not want to pursue the present case any further. The complainant/respondent No.2 in CRL.M.C. 164/2022 states that she has settled disputes with the petitioners out of her own free will, without pressure, coercion or undue influence and states that she does not want to pursue the present case any further. The parties undertake that they will remain bound by the terms of the Settlement Agreement dated 07.10.2021 arrived at between them and the proceedings recorded before this Court.

6. This Court is pained to note that there is an alarming increase of cases under Section 354, 354A, 354B, 354C & 354D only to arm-twist the accused and make them succumb to the demands of the complainant. The time spent by the police in investigating these false cases and in Court proceedings hinders them from spending time in investigation of serious offences. As a result cases which are required proper investigation get compromised and accused in those cases end up going scot-free due to the shoddy investigation. Valuable judicial time is also spent in hearing cases where false allegations are made and is consequently an abuse of the process of law.

7. In view of the fact that the cross complaints have been filed by the parties, who are family members and closely related to each other now they have sought to get the FIRs quashed on the basis of the Settlement arrived at between them and in view of the fact that the instant case is squarely covered by the law laid down by the Supreme Court in Gian Singh vs. State of Punjab, (2012 10 SCC 303), this Court is inclined to exercise its jurisdiction under Section 482 Cr.P.C to quash the complaints so that both the parties can live together in peace and harmony. Accordingly,

FIR No.82/2021 dated 31.03.2021, registered at Police Station Civil Lines for offence under Sections 354/323/509 IPC and FIR No.83/2021 dated 31.03.2021, registered at Police Station Civil Lines for offence under Sections 354/323/506/509 IPC and all the proceedings emanating therefrom are hereby quashed.

8. Since, the Police had to spend valuable time in investigating the offences and considerable time has been spent by the court in the criminal proceedings initiated by the petitioners, this Court is inclined to impose cost upon the petitioners.

a) CRL.M.C. 163/2022, the petitioners are directed to deposit a sum of Rs.50,000/- each with the "Armed Forces Battle Casualties Welfare Fund" within a period of three weeks from today.

b) In CRL.M.C. 164/2022, the petitioners are directed to deposit a sum of Rs.50,000/- each with the "Armed Forces Battle Casualties Welfare Fund" within a period of three weeks from today.

8. The copy of the receipts may be given to the concerned Investigating Officer and the same be also filed with the Registry to show compliance of the order.

9. With the above directions, the petitions are disposed of along with all the pending application(s), if any.

SUBRAMONIUM PRASAD, J JANUARY 12, 2022 S. Zakir