

**IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO.176/2023  
(@SPECIAL LEAVE PETITION (CRL.) NO.8819/2022)**

**BHAGWAN DASS VASUDEVA & ORS.**

**Appellant(s)**

**VERSUS**

**THE STATE (NCT OF DELHI)**

**Respondent(s)**

**O R D E R**

**Leave granted.**

1. The appellants have laid challenge to the Judgment dated 22-07-2022 passed by the High Court of Delhi at New Delhi, whereby their application under Section 482 of the Code of Criminal Procedure, 1973 (in short, 'The Code') seeking quashing of First Information Report No.194/2015 registered under Sections 341, 323 and 34 of the Indian Penal Code, 1860 at Police Station, Vikas Puri, New Delhi with all consequential proceedings arising therefrom, has been dismissed.

2. The brief facts of the case are as follows:

3. Appellant No.1, who is 87 years old, purchased Flat No.158-A, AG-I, MIG, Vikas Puri, New Delhi.

4. The complainant (late Shri Harsh Wardhan Rathor), was a resident of Flat No.159-A in the same locality. Both the Appellant No.1 and complainant, being neighbours, some disputes arose with regard to construction of a platform in front of Appellant No.1's

flat and in the common passage. That dispute led to registration of the impugned First Information Report, as may be seen from the following relevant extracts of the said FIR:-

"Statement of Harshwardhan Rathor s/o Sh. Raghunath Singh Rathor r/o AG-1/159A, Vikas Puri, Delhi, Age 46 years, Ph. 9999025425. Stated that I reside at the above-mentioned address along with my family and I am in a private job. On 22.2.15 my neighbour Bhagwan Dass r/o AG-1/158A, Vikas Puri made a Ramp in front of the gate of his house. At about 10.30 p.m. I was talking with him in this regard, on which he started abusing me and slapped me. When I was returning to my home, his son Saurabh and nephew Manoj Batra came and stopped my passage and started quarrelling with me. They all the three obstructed the passage of me and my wife and quarrelled with me and my wife and caused injury. Our medical examination may be got conducted and legal action may be taken against them. sd/- English Harshwardhan Rathor Attested ASI Satyawar PS Vikas Puri Dt. 23.2.15."

5. From the appellants' side also, a cross-FIR No.193/2015 was lodged on 23-02-2015 by Appellant No.1. Meanwhile, the father of the complainant approached the Civil Court for adjudication of their dispute with regard to construction of ramp and parking of vehicles in front of the flats. The said dispute has been eventually resolved amicably by way of a settlement dated 16-04-2022 in Court, whereby both the parties have agreed that none of them will park their vehicles in the common passage.

6. The complainant in the FIR registered against the appellants has unfortunately passed away. It is in this backdrop that the

appellants sought quashing of the criminal proceedings, as according to them, the genesis of the controversy was essentially civil in nature and the same stands amicably settled and even if the allegations are accepted to be true, it was a quarrel of trivial nature which took place in the spur of a moment on account of civil dispute between the parties.

7. The High Court, however, has declined to interfere on the premise that the questions of facts need to be gone into by the Trial Court.

8. We have heard learned Senior counsel appearing for the appellants as well as learned Additional Solicitor General appearing for the respondent – State.

9. It appears to us that in view of the settlement of civil dispute before the Court and commitment of the parties to live peacefully, there is a well justified ground to close the criminal proceedings. More so, when on account of unfortunate demise of the complainant, it is not possible to secure the first hand version of the alleged incident. The cause of the administration of criminal justice system will hardly be served by keeping the proceedings pending. It is also relevant to note that Appellant No.1 is now 87 years old.

10. Taking into consideration the totality of the circumstances, we are satisfied that the impugned proceedings should not be allowed to continue and deserve to be brought to an end.

11. Consequently, the appeal is allowed; the impugned order of the High Court dated 22-07-2022 is set aside and FIR Nos.193/2015 and 194/2015, which are cross-FIRs filed by the two sides against each other and all the proceedings arising therefrom, are hereby quashed.

12. The appeal stands disposed of in above terms

.....J  
(SURYA KANT)

.....J  
(J.K. MAHESHWARI)

NEW DELHI  
19TH JANUARY, 2023.

ITEM NO.7

COURT NO.9

SECTION II-C

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

Special Leave Petition (Crl.) No.8819/2022

BHAGWAN DASS VASUDEVA &amp; ORS.

Appellant(s)

VERSUS

THE STATE (NCT OF DELHI)

Respondent(s)

Date : 19-01-2023 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE J.K. MAHESHWARI

For Appellant(s)

Mr. Kailash Vasdev, Sr. Adv.

Mr. M. Shoeb Alam, Adv.

Ms. Fauzia Shakil, Adv.

Mr. Agasta Sen, Adv.

Mr. Umrao Singh Rawat, Adv.

Ms. Manya Kohli Jha, Adv.

Mr. Jakir Hussain, Adv.

For Respondent(s)

Ms. Aishwarya Bhati, ASG

Ms. Ayushi Nagar, Adv.

Mr. Ketan Paul, Adv.

Mr. Mayank Pandey, Adv.

Mr. Shantanu Sharma, Adv.

Mr. Gurmeet Singh Makker, AOR

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The Appeal is disposed of, in terms of the signed Order.

(VISHAL ANAND)

ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)

COURT MASTER (NSH)

(Signed Order is placed on the file)