

Court No. - 93

Case :- APPLICATION U/S 482 No. - 42322 of 2023

Applicant :- Dilip Kumar And 7 Others

Opposite Party :- State of U.P.

Counsel for Applicant :- Md. Muzzammil.I.Qureshi

Counsel for Opposite Party :- G.A.

Hon'ble Manoj Bajaj,J.

1. Through this petition, filed jointly under Section 482 Cr.P.C., by the applicant nos.1 to 7 (accused) and applicant no.8 (Complainant) for quashing of Charge Sheet dated 10.5.2022 (Annexure No.2) in Criminal Case No. 5707 of 2022, titled State Vs. Dilip Kumar and others, arising out of Case Crime No. 19 of 2022, under Sections 498-A, 323, 504, 506 I.P.C. and Section 3/4 Dowry Prohibition Act, 1961, Police Station Vijay Nagar, District Ghaziabad, pending before the Additional Chief Judicial Magistrate, Court No.2, Ghaziabad and the proceedings arising therefrom, on the basis of the compromise dated 28.08.2023 (Annexure No.3) entered into between the parties.

2. Learned counsel for applicants submits that as a result of matrimonial dispute between applicant nos.1 and 8, litigation started and during pendency of the litigation, the parties have amicably resolved their dispute through efforts of Counselling Cell, Family Court, District Shahdara, Karkardooma Courts, Delhi and the settlement was also reduced in writing. It is further pointed out that the marriage of the applicant nos.1 and 8 stands dissolved by the decree dated 28.08.2023 passed by Additional Principal Judge, Family Court (Shahdara District). In this regard, learned counsel has drawn the attention of the Court to the settlement deed (Annexure No.3) as well as the decree and submitted that the parties have also agreed to consent for quashing of subject criminal cases registered at the instance of applicant no.8.

3. Learned counsel prays that in view of this compromise between the parties, the impugned charge sheet as well as the proceedings arising out of Case Crime No.19 of 2022, under Sections 498-A, 323, 504, 506 I.P.C. and 3/4 Dowry Prohibition Act, 1961 be quashed in the interest of justice.

4. During the course of hearing, the statements of the parties, i.e.

the applicant nos.1 and 8, who are present in Court have been recorded, wherein it is stated by both of them that indeed they have resolved their dispute and have no objection, if, this criminal case is quashed. Parties have also produced photocopies of their Pan Card and Adhar Card, who are also identified by their counsel. Parties have categorically stated that the compromise is entered into voluntarily by them without any fear, pressure, threat or coercion and this Court is also satisfied in respect of the genuineness of the compromise, which has already been acted upon by passing the decree dated 28.08.2023, dissolving the marriage of applicant nos.1 and 8.

5. Learned State counsel does not dispute the factum of compromise between the parties.

6. I have heard learned counsel for the parties and perused the case file.

7. In **Gian Singh Vs. State of Punjab and another, 2012 (4) RCR (Criminal) 543**, the Hon'ble Supreme Court has also discussed the powers of High Court under Section 482 Cr.P.C. and the relevant portion reads as under :-

"The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal

proceedings involving such offences. But the criminal cases having overwhelmingly and predominatingly civil flavour stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding."

8. Upon analysing the above background, nature of the offences as well as the common stand of the parties relating to compromise whereby they have buried the hatchet, this Court finds that the parties have settled the dispute and decided to live in peace, therefore, it is a fit case for exercising the inherent powers under Section 482 Cr.P.C. to bring an end to the above prosecution, as no meaningful purpose would be served, if, the criminal proceedings are allowed to continue.

9. Resultantly, present petition succeeds and Charge Sheet dated 10.5.2022 (Annexure No.2) in Criminal Case No. 5707 of 2022, titled State Vs. Dilip Kumar and others, arising out of Case Crime No. 19 of 2022, under Sections 498-A, 323, 504, 506 I.P.C. and Section 3/4 Dowry Prohibition Act, 1961, Police Station Vijay Nagar, District Ghaziabad, pending before the Additional Chief Judicial Magistrate, Court No.2, Ghaziabad and the proceedings arising therefrom are ordered to be quashed.

Order Date :- 29.11.2023

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