

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

+ **CRL.M.C. 2559/2014**

Date of Decision: October 16th, 2015

NITIN KUMAR & ORS

..... Petitioner

Through: Mr.Tarun Chandiok, Adv.

versus

STATE & ANR

..... Respondent

Through: Mr.Vinod Diwakar, APP.
Mr.Rajat Aneja, Adv.for R-2.

**CORAM:
HON'BLE MR. JUSTICE P.S.TEJI**

P.S.TEJI, J.

1. The present petition under Section 482 Cr.P.C. has been filed by the petitioners, namely, Sh. Nitin Kumar, Sh. Narender Kumar and Smt. Nirmala Devi for quashing of FIR No.415/2013 dated 29.07.2013, under Section 3(1)(10) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Dabri, South West Delhi on the basis of the settlement agreement dated 09.12.2013 arrived at before the Delhi High Court Mediation & Conciliation Centre, between the petitioners, the respondent no.2 namely, Smt. Shanti Devi and the daughter of

respondent no.2 , namely, Bhagwati.

2. Learned Additional Public Prosecutor for respondent-State submitted that the complainant/first-informant respondent No.2, present in the Court has been identified by her counsel.

3. Respondent No.2, present in the Court, submitted that the dispute between the parties has been amicably resolved as per the settlement agreement wherein it is stated that the parties with the assistance of the Mediator/Conciliator voluntarily arrived at an amicable solution resolving the disputes and differences. Respondent no.2 has no grievances against the petitioners. The daughter of respondent no. 2-Bhagwati is the wife of the petitioner no.1. In the settlement deed it has been stated that petitioner no.1 and Bhagwati have resolved their past disagreements for a larger good. Further it is stated that Bhagwati has proposed and undertaken to withdraw all pending prosecutions, litigations, etc. initiated/instituted/filed not only against the petitioner no.1 but also against all his family members. Respondent No.2 had also volunteered to cooperate with petitioners in getting the FIR in question quashed. The parties now have no further claims or demands against each other and all the disputes and

differences have been amicably settled by the parties. The affidavit dated 08.04.2015 of the respondent no.2 filed on record affirms the contents of the present petition and of the settlement agreement. All the disputes and differences have been resolved through mutual consent. Now no dispute with petitioners survives and so, the proceedings arising out of the FIR in question be brought to an end. Statement of the respondent No.2 has been recorded in this regard in which she stated that she has entered into a compromise with the petitioners and has settled all the disputes with them. She further stated that she has no objection if the FIR in question is quashed.

4. In *Gian Singh v. State of Punjab (2012) 10 SCC 303* Apex Court has recognized the need of amicable resolution of disputes in cases like the instant one, by observing as under:-

“61. 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 proceedings or continuation of criminal proceedings would tantamount to abuse of process of law despite settlement and compromise between the victim and the 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 the affirmative, the High Court shall be well within its jurisdiction to

quash the criminal proceedings.”

5. The aforesaid dictum stands reiterated by the Apex Court in a recent judgment in *Narinder Singh v. State of Punjab (2014) 6 SCC 466*. The relevant observations of the Apex Court in *Narinder Singh (Supra)* are as under:-

“**29.** In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:

29.1 Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution.

29.2. When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the

guiding factor in such cases would be to secure:

- (i) ends of justice, or
- (ii) to prevent abuse of the process of any court.

While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.

29.3. Such a power is not to be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Similarly, for the offences alleged to have been committed under special statute like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender.

29.4. On the other hand, those criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.

6. The inherent powers of the High Court ought to be exercised to prevent the abuse of process of law and to secure the ends of justice.

In the present case, the respondent no. 2 has reconciled all her disputes with the petitioners without any pressure, coercion or inducement. As the matter has already been compromised, there would be an extraordinary delay in the process of law if the legal proceedings between the parties are carried on. The parties have already settled down the matter. So, this Court is of the considered opinion that this is a fit case to invoke the jurisdiction under Section 482 Cr.P.C. to prevent the abuse of process of law and to secure the ends of justice.

7. The incorporation of inherent power under Section 482 Cr.P.C. is meant to deal with the situation in the absence of express provision of law to secure the ends of justice such as, where the process is abused or misused; where the ends of justice cannot be secured; where the process of law is used for unjust or unlawful object; to avoid the causing of harassment to any person by using the provision of Cr.P.C. or to avoid the delay of the legal process in the delivery of justice. Whereas, the inherent power is not to be exercised to circumvent the express provisions of law.

8. In the facts and circumstances of this case and in view of

statement made by the respondent No.2, the FIR in question warrants to be put to an end and proceedings emanating thereupon need to be quashed.

9. Accordingly, this petition is allowed and FIR No.415/2013 dated 29.07.2013, under Section 3(1)(10) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Dabri, South West Delhi and the proceedings emanating therefrom are quashed against the petitioners.

10. This petition is accordingly disposed of.

(P.S.TEJI)
JUDGE

OCTOBER 16, 2015
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