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

+ W.P.(CRL) 2273/2015

PRAYANK GUPTA & ORS Petitioners
Through: Mr.Vipin Nandwani, Advocate.

versus

THE STATE (NCT OF DELHI) & ANR Respondents
Through: Ms. Nandita Rao, ASC for the State
with Ms. Srilina Roy, Adv.
Mr.Nadim, Advocate for the
respondent No.2.

CORAM:
HON'BLE MR. JUSTICE ASHUTOSH KUMAR

% **ORDER**
09.10.2015

The petitioner seeks quashing of the FIR No.1031/2014 (P.S.Tilak Nagar) instituted under Section 498A/406 and 34 of the IPC on the strength of the settlement of the dispute with respondent no.2.

Petitioner No.1 is the husband of respondent No.2 whereas petitioner Nos.2 & 3 are the parents of petitioner No.1. The petitioner No.3 was married to respondent No.2 on 24.06.2011 but shortly after the marriage, because of temperamental difference between the spouses, they started living separately. Because of further misunderstanding in the marital life, FIR No.1031/2014 came to be lodged at the instance of respondent No.2 under Section 498A/406 and 34 of the IPC.

However, with the intervention of elders in the family and well wishers, the dispute between the husband and wife and two families came to be settled. As part of the settlement, it was agreed upon that the marriage of petitioner No.1 and respondent No.2 would be dissolved by mutual consent. The decree of divorce, on mutual consent was granted on 07.09.2015.

As part of the agreement it was obligated on respondent No.2 to extend her cooperation for quashing of the aforementioned FIR.

The parties herein have settled their differences and the petitioner No.1 agreed to and has paid Rs.6 lakhs to respondent No.2 towards full and final settlement in different instalments.

Considering the fact that no dispute is now left to be redressed and the respondent No.2 has, of her own volition, settled the dispute, this Court is of the opinion that no useful purpose would be served in allowing the investigation in the matter to be continued any further.

The Supreme Court in **Gian Singh vs. State of Punjab & Another**, (2012) 10 SCC 303, has held that cases which are not compoundable under Section 320 of the Cr.P.C. could also be quashed, when continuation of any criminal proceeding would be an exercise in futility and where justice demands that the dispute between the parties should be put to an end and peace is restored. But ending of such criminal proceedings could only be ordered for securing the ends of justice.

The Supreme Court has further observed in **Gian Singh vs. State of Punjab & Another (Supra)**:

“58..... No doubt, crimes are acts which have harmful effect on the public and consist in wrongdoing that seriously endangers and threatens the well-being of the society and it is not safe to leave the crime-doer only because

he and the victim have settled the dispute amicably or that the victim has been paid compensation, yet certain crimes have been made compoundable in law, with or without the permission of the court. In respect of serious offences like murder, rape, dacoity, etc., or other offences of mental depravity under IPC or offences of moral turpitude under special statutes, like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, the settlement between the offender and the victim can have no legal sanction at all. However, certain offences which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions or the offences arising out of matrimony, particularly relating to dowry, etc. or the family dispute, where the wrong is basically to the victim and the offender and the victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable, the High Court may within the framework of its inherent power, quash the criminal proceeding or criminal complaint or FIR if it is satisfied that on the face of such settlement, there is hardly any likelihood of the offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated. The above list is illustrative and not exhaustive. Each case will depend on its own facts and no hard-and-fast category can be prescribed.”

[Refer to B.S. Joshi, (2003) 4 SCC 675; Nikhil Merchant, (2008) 9 SCC 677 and Manoj Sharma, (2008) 16 SCC 1.]

Thus, the inherent powers of the High Court, having a wide plenitude could be used for quashing the FIR for securing the ends of justice and to prevent the abuse of the process of the court.

The present litigation is only an offshoot of marital discord between the petitioner and the respondent No.2.

In the event of settlement between them and the families as referred to above, the parties have benefited in the sense that they can now begin their lives afresh. Keeping in mind the aforesaid facts and the settlement between the parties, the FIR No.1031/2014 and the emanating proceedings thereof are quashed.

The petition is disposed of in terms of the above.

Dasti.

ASHUTOSH KUMAR, J

OCTOBER 09, 2015

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