

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1962/2016**

Date of Decision: August 2nd, 2016

SATBIR SINGH CHAHAL & ANR

..... Petitioners

Through **Mr.Amit Dhankar & Mr.Neeraj
Thakar, Advs.**

versus

STATE OF DELHI & ANR

..... Respondents

Through **Ms.Meenakshi Chauhan, APP.**

Respondent no.2 in person with
Mr.Pankaj Talwar, Adv.

**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. Satbir Singh Chahal and Smt. Bhattari Devi for quashing of FIR No.643/2015 dated 14.05.2015, under Sections 323/356/379/451/506/34 IPC registered at Police Station Uttam Nagar on the basis of the settlement arrived at between the petitioners and respondent no. 2, namely, Smt. Chandravati before the Delhi Mediation centre, Tiz Hazari Courts, Delhi on 23.10.2015.
2. Learned Additional Public Prosecutor for respondent-State submitted that the respondent no.2, present in the Court has been identified to be the complainant/first informant in the FIR in question by her counsel.
3. The factual matrix of the present case is that the son of the

complainant, namely, Sh. Sandeep Dahiya was married to Smt. Renu, daughter of the accused persons on 13.03.2013 as per Hindu rites and ceremonies. The accused persons used to unnecessarily interfere in the marital life of their daughter Smt. Renu and son of the complainant, Sh. Sandeep Dahiya. The accused persons used to provoke their daughter against the complainant. On complainant's refusal to the same, she started receiving threats from the accused persons. On 29.11.2013 at around 1.30- 2.00 p.m., the accused persons along with some of their associates came to the complainant's house and started quarreling with her. Accused no.1 also slapped the complainant with full force, forcibly snatched her jewellery and also threw the household articles of the complainant. The accused persons started pressurizing the complainant to transfer the ownership of the house in the name of their daughter, Smt. Renu or to give Rs.30,00,000/- to her. At that time Sh. Sandeep Dahiya was also present there but he did not protect the complainant. The accused persons along with their associates regularly threatened the complainant, sometimes through phone calls and sometimes by personally coming to the house of the complainant. Due to such harassment and atrocities being caused by accused nos.1 & 2 along with Smt. Renu and Sh. Sandeep Dahiya, the complainant severed all her relations with her son, Sh. Sandeep Dahiya and her daughter-in-law, Smt. Renu and disowned them from all her movable as well as immovable properties.

Thereafter, the complaint was lodged by the complainant at the instance of which, the FIR in question was registered against the accused persons. During the pendency of the trial, the parties entered

into a settlement.

4. Respondent No.2 present in the Court submitted that the dispute between the parties has been amicably resolved. According to the relevant terms of the said mediation report, it is agreed that Smt. Renu, daughter of the petitioners and Sh. Sandeep Dahiya, son of respondent no.2 shall dissolve their marriage by way of filing a petition under section 13(B)(1) and 13(B)(2) of the Hindu Marriage Act. It is agreed that Sh. Sandeep Dahiya shall make a payment of Rs.12,90,000/- to Smt. Renu towards full and final settlement of all her claims and rights. The said payment shall be made in such a manner as is stated in the mediation report. It is undertaken by Sh. Sandeep Dahiya and Smt. Renu that neither of them will file any case/complaint/suit/petition against the other and they shall be entitled to lead their lives independently and shall not interfere in each other's life. Respondent no.2 has agreed that she will not oppose the bail application filed by the petitioners. It is further agreed that in case any of the parties commits any violation of the terms and conditions of the settlement then in that eventuality the settlement would not have a binding effect on any of them.

Respondent no.2 affirmed the contents of the aforesaid settlement and of her affidavit dated 17.05.2016 supporting this petition. In the affidavit, the Respondent no.2 has stated that she has no objection if the FIR in question is quashed. All the disputes and differences have been resolved through mutual consent. Now no dispute with the 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.

5. 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.”

6. 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.

7. 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. The Respondent no.2 agreed to the quashing of the FIR in question and stated that the matter has been settled out of her own free will. As the matter has been settled and compromised amicably, so, there

would be an extraordinary delay in the process of law if the legal proceedings between the parties are carried on. 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.

8. 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.

9. It is settled law that the inherent power of the High Court under Section 482 Cr.P.C. should be used sparingly. The Hon'ble Apex Court in the case of *State of Maharashtra through CBI v. Vikram Anatrai Doshi and Ors.* MANU/SC/0842/2014 and in the case of *Inder Singh Goswami v. State of Uttaranchal* MANU/SC/0808/2009 has observed that powers under Section 482 Cr.P.C. must be exercised sparingly, carefully and with great caution. Only when the Court comes to the conclusion that there would be manifest injustice or there would be abuse of the process of the Court if such power is not exercised, Court would quash the proceedings.

10. It is a well settled law that where the High Court is convinced that the offences are entirely personal in nature and therefore do not

affect public peace or tranquility and where it feels that quashing of such proceedings on account of compromise would bring about peace and would secure ends of justice, it should not hesitate to quash them. In such cases, pursuing prosecution would be waste of time and energy. Non-compoundable offences are basically an obstruction in entering into compromise. In certain cases, the main offence is compoundable but the connected offences are not. In the case of ***B.S. Joshi and others v. State of Haryana and another*** 2003 (4) SCC 675 the Hon'ble Apex Court observed that even though the provisions of Section 320 Cr.P.C. would not apply to such offences which are not compoundable, it did not limit or affect the powers under Section 482 Cr.P.C. The Hon'ble Apex Court laid down that if for the purpose of securing the ends of justice, quashing of FIR becomes necessary, section 320 Cr.P.C. would not be a bar to the exercise of power of quashing. In the nutshell, the Hon'ble Apex Court justified the exercise of powers under Section 482 Cr.P.C. to quash the proceedings to secure the ends of justice in view of the special facts and circumstances of the case, even where the offences were non-compoundable.

In the light of the aforesaid, this Court is of the view that notwithstanding the fact that the offence under Section 356 IPC is a non-compoundable offence, there should be no impediment in quashing the FIR under this section, if the Court is otherwise satisfied that the facts and circumstances of the case so warrant.

11. 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.

12. Accordingly, this petition is allowed and FIR No.643/2015 dated 14.05.2015, under Sections 323/356/379/451/506/34 IPC registered at Police Station Uttam Nagar and the proceedings emanating therefrom are quashed against the petitioners.

13. This petition is accordingly disposed of.

AUGUST 02, 2016
dd



(P.S.TEJI)
JUDGE