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

+ W.P.(CRL) 977/2016

PARVEEN SINGHAL & ORS

..... Petitioners

Through: Mr.Kuldeep Singh, Advocate

versus

STATE (NCT OF DELHI) & ANR

..... Respondents

Through: Mr.Rahul Mehra, St.Counsel for the
State with SI Nagender PS Vijay
Vihar

Mr.I.S.Sharma, Advocate for R-2

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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28.03.2016

CRL.M.A.5193/2016

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

W.P.(CRL) No.977/2016

1. By way of these writ petitions filed under Article 226 of the Constitution of India read with Section 482 Cr.P.C., petitioners are seeking quashing of case FIR No.362/2013 under Sections 498-A/406/34 IPC registered at PS Vijay Vihar, Delhi on the basis of settlement.

2. Briefly stating the facts of the present case are that Respondent No.2 got married to Petitioner No.1 on 30th November, 2012 according to Hindu rites and custom. It is further mentioned in the petition that the Petitioner No.1 and Respondent No.2 could not live together and started

living separately with effect from 13th April, 2013. After the separation, Respondent No.2 filed a criminal complaint against the Petitioners, on the basis of which FIR in question was registered. It is mentioned in the petition that during the pendency of above proceedings, the parties have amicably settled all their disputes before the Mediation Centre, Rohini District Courts, Delhi, copy of which is placed on record as Annexure P-2.

3. Parties are present in person with their respective counsel.
4. In terms of full and final settlement arrived at between the parties, today learned counsel for the Petitioner has handed over to Respondent No.2 cash amount of Rs.1,50,000/-.
5. Respondent No.2 is present in person and submits that she has settled the matter with the Petitioners before the Mediation Centre, Rohini District Courts, Delhi and in terms of said settlement, today she has received Rs.1,50,000/-. Respondent No.2 further submits that she has no objection if the FIR in question is quashed qua the Petitioners.
6. The FIRs registered against the present Petitioners are for committing the offences punishable under Sections 498-A/406/34 IPC Offence punishable under Section 498-A IPC is non-compoundable offences. In the decision in the case of ***Gian Singh v State of Punjab & Anr. 2012 (9) SCALE 257***, the three Judges Bench of the Supreme Court dealing with the issue of quashing of FIR has observed as under:-

“57. 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 pre-dominantly civil favour 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.”

7. Learned counsel for the petitioners and complainant submit that after the matter in dispute has been amicably settled between the parties, no purpose would be served in prosecuting the petitioners, therefore the FIR in question and criminal proceedings emanating therefrom may be quashed.

8. In view of the legal position laid down in *Gian Singh's case* (Supra) and amicable settlement arrived at between the parties, I am of the considered view that no useful purpose would be served by continuing the criminal proceedings against the petitioners, which will only be an exercise in futile and wastage of precious time of the Court.

9. Accordingly, the petitions is allowed FIR No.362/2013 under Sections 498-A/406/34 IPC registered at PS Vijay Vihar, Delhi is hereby quashed. The Parties shall abide by the terms and conditions of the full and final settlement arrived at between the parties.

Order *dasti*.

PRATIBHA RANI, J.

MARCH 28, 2016

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