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

+ CRL.M.C. 340/2017

ANANT CHATURVEDI Petitioner
Through Mr. Asutosh Lohia, Ms. Pragya
Srivastava, Advocates with petitioner
in person
versus

STATE OF NCT OF DELHI & ANR Respondents
Through Mr. Amit Ahlawat, Addl. PP for State
with SI Rinku Bhakar, P.S. Prashant
Vihar
Mr. J.P. Singh, Adv. for respondent
No.2 with respondent no.2 in person

CORAM:

HON'BLE MR. JUSTICE A.K. CHAWLA

ORDER

% **17.05.2017**

The amended memo of parties is filed and taken on record.

I.O identifies both the complainant as also the accused persons, who are petitioners before this Court.

By the instant petition filed under Section 482 Cr.P.C., the petitioners seek quashing of the FIR No. 28/2009 under Sections 498-A/406/34 IPC PS Prashant Vihar. It is the off-shoot of a matrimonial dispute amongst the respondent no.2 and the petitioners. Parties have arrived at a compromise/settlement, which came to be taken note of by this Court while entertaining the bail application of the petitioner No.1. In pursuance of the compromise/settlement arrived at, it is jointly stated by the parties that all actions amongst the parties stand

withdrawn but for the subsistence of the FIR, subject matter of the present petition.

Today before the Court, a demand draft favouring Master Granth Chaturvedi, who is the son of the petitioner No.1 and the respondent No.2, drawn on UCO Bank favouring Master Granth Chaturvedi for Rs. 4 lac has come to be handed over to the respondent no.2. It is stated that this is the last and final payment to be made on behalf of the petitioners as per the compromise/settlement. As a consequence thereof, as per the compromise/settlement arrived at, the parties jointly prayed for quashing of the FIR. Of course, the FIR subject matter of instant petition is a matrimonial dispute, which is of a private nature. All other disputes have been resolved/settled. The subsistence of the FIR and the emanating proceedings is not likely to bear any fruits and in all likelihood would be futile exercise. It is stated that though the challan is filed, the matter is yet to be taken up for consideration on charge. Assuming, the charges have come to be framed, with the compromise/settlement arrived at, it is highly improbable that the trial would bear any fruits and the entire exercise in all probabilities going to be futile. In Criminal Appeal No. 686/2014 titled **Narinder Singh & Ors. vs. State of Punjab & Anr.**, decided on 27th March, 2014, Hon'ble Supreme Court set down the principles for exercise of power under Section 482 Cr.P.C., in the following words :

“31. 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:

(I) 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.

(II) 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.

(III) 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 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.

(IV) On the other, those criminal cases having overwhelmingly and pre-dominantly 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.

(V) While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.

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Keeping in view the ratio of the judgment (supra) and totality of the facts and circumstances, I am satisfied that ends of justice would be met, if, the subject FIR no. 28/2009, PS Prashant Vihar is quashed alongwith the consequential proceedings emanating therefrom. It is Ordered accordingly. Petition stands disposed off.

A.K.CHAWLA, J

MAY 17, 2017

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