

\$~35

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 2044/2017**

RAJENDER SHARMA & ORS Petitioners

Through Petitioners in person with
Mr. Arun Gaur, Adv.

versus

THE STATE & ORS Respondents

Through Mr. Amit Ahlawat, Addl. PP for State
with SI Praveen Kumar, PS
Mandawali.
Respondent no.2 in person with
counsel.

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

% **19.05.2017**

CRL. M.A. 8391/2017 (Exemption)

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 2044/2017

By the instant petition filed under Section 482 Cr.P.C., FIR No. 476/2014 under Sections 323/342/354B/509/34 IPC, PS Mandawali is sought to be quashed. IO identifies the parties present before the Court.

Subject FIR is the off-shoot of a dispute within the family in relation to construction of a kitchen in the house. Complainant-respondent no.2 is the daughter-in-law of the petitioner no.3, whereas the petitioner nos. 1 & 2 are brother-in-law (Devar) and sister-in-law

(Devrani) respectively. The dispute arose, when the complainant-respondent no. 2 questioned for a separate kitchen, she came to be abused with filthy language and given some beatings with leg and fist blows and during that course, the suit of the complainant got torn and that, attracted Section 354B IPC. On the charge sheet filed, assuming, the charges come to be framed, with the compromise/settlement already arrived at, it is highly improbable that the trial would bear any fruits and the entire exercise in all probabilities, may 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 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.

.....
.....”

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. 476/2014, PS Mandawali is quashed alongwith the consequential proceedings emanating therefrom. It is Ordered accordingly. Petition stands disposed off.

A.K.CHAWLA, J

MAY 19, 2017/rc