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

+ CRL.M.C. 1828/2017

RAJESHWAR SHAH

..... Petitioner

Through: Mr.Vishesh Wadhwa &
Ms.Bandana Grover, Advocates with
petitioner in person.

versus

STATE OF NCT OF DELHI & ANR

..... Respondents

Through: Ms.Kusum Dhalla, APP for the State
with SI Sandeep, PS Sagarpur.
Respondent No.2 in person.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER
10.07.2017

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1. The present writ petition has been filed by the petitioner under Section 482 of the Code of Criminal Procedure for quashing of FIR No.503/2014, under Sections 354D/506/509/34 IPC, registered at P.S. Sagarpur and consequential proceedings arising therefrom.

2. FIR No.503/2014, under Sections 354D/506/509/34 IPC, registered at P.S. Sagarpur on the basis of complaint made by respondent No.2 who is a widow. As per the complaint, the petitioner, who is neighbour of the respondent No.2, used to harass her and her children by abusing them in foul language. It was alleged that whenever respondent No.2 used to go to her

office, petitioner passes comments and one day he followed the respondent No.2 till her office and that the petitioner and his friends also used to consume liquor on the street.

3. During the pendency of FIR in question, the matter was referred to the Mediation Centre and as per the Deed of Settlement dated 30.01.2017 settlement has been arrived at between the parties. Hence, the present petition has been filed before this Court for quashing of the FIR in question.

4. It has been stated that both the parties have arrived at an amicable settlement out of their own sweet will, without any pressure and force from any corner and respondent No.2/complainant does not wish to pursue the criminal case against the petitioner any further and want that the said FIR and all proceedings emanating therefrom may be quashed.

5. Though the petitioner has been charged with the offences, some of them are non-compoundable, but 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 laid down the following guidelines:-

“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.”

6. Learned counsel for the petitioner submits that since the matter in dispute has been amicably settled between the parties, no purpose would be served in prosecuting the petitioner any more, therefore, the FIR may be quashed.

7. Respondent No.2/complainant is present in Court today and affirms that she has amicably settled the dispute with the Petitioner in the Mediation Centre. She further submits that she is not interested in prosecuting the petitioner any further and the FIR in question and all proceedings emanating therefrom may be quashed qua the petitioner.

8. In view of the aforesaid 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 petitioner, which will only be an exercise in futile and wastage of precious time of the Court.

9. Accordingly, in view of the settlement arrived at between the parties before the Mediation Centre, the FIR No.503/2014, under Sections 354D/506/509/34 IPC, registered at P.S. Sagarpur and consequential proceedings arising therefrom are hereby quashed.

10. The petition is allowed.

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PRATIBHA RANI, J.

JULY 10, 2017

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