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

+ W.P.(CRL) 1383/2017

RAJESH & ORS

..... Petitioners

Through Mr.Raj Kumar Rajput, Adv. with  
petitioners in person.

versus

THE STATE GOVT OF NCT OF DELHI & ANR..... Respondents

Through Mr.Piyush Singhal, Adv. for  
Mr.Ashhish Aggarwal, ASC for State.

Ms.Sabita, Adv. for R-2 along with respondent  
No.2 in person.

**CORAM:**

**HON'BLE MR. JUSTICE VINOD GOEL**

**ORDER**

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**19.07.2017**

1. The petitioners have invoked the writ jurisdiction of this court under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 for quashing of the FIR bearing No. 395/2016, registered on 03.10.2016 with Police Station Sagarpur, District South West, Delhi, under Sections 448/380/506/34 of IPC.
2. Status report has been filed.
3. The matter is still under investigation. The final report so far has not been filed.
4. It is submitted that the petitioner No.2 is the brother-in-law (Devar) of respondent No.2. Petitioner No.1 is wife of Petitioner No.2 and Petitioner No.3 and 4 are their daughter and son respectively.
5. It is submitted that the matter has now been settled by the petitioners

with the complainant on 4.11.2016. The photostate copy of the compromise deed is already placed on record. The original compromise deed has been handed over to the respondent No.2 by the petitioner No.1 today in the Court. As per this settlement, the petitioners have agreed that they have no right, title or interest or any claim over the double storied House No.37-B, Gali No.5/6, Main Sagar Pur, New Delhi, measuring 53 Sq. Yards. The respondent No.2 is stated to have purchased the share of the petitioner No.1.

6. In the compromise deed it is mentioned that Smt.Rajesh, the petitioner No.1 shall execute and get registered any necessary documents or papers in favour of the respondent No.2. The respondent No.2, who is present in Court, states that let the petitioner No.1 execute sale deed or Relinquishment Deed as per law in favour of the respondent No.2 within four weeks from today. Petitioner No.1 has agreed to do so.

7. The respondent No.2 confirms that she had settled the matter with the petitioners. She states that she had received back all her articles which were taken away by the petitioners. She submits that she does not want to pursue the FIR registered against the petitioners.

8. Section 482 of Cr.PC came up for consideration before the Apex Court in Gian Singh vs. State of Punjab & Anr. (2012) 10 SCC 303 and relevant paragraph 61 reads as under:-

“61. The position that emerges from the above discussion can be summarized 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 FIR may be exercised where the offender and the 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 a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the 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 predominatingly civil flavour stand on a 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, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the 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 the wrongdoer and whether to secure the ends of justice, it is appropriate that the 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 proceeding.”

9. In view of the above and in order to maintain peace and harmony between the parties who are close relatives, and to secure the ends of justice no purpose would be served in further pursuing with the FIR bearing No. 395/2016, registered on 03.10.2016 with Police Station Sagarpur, District South West, Delhi, under Sections 448/380/506/34 of IPC or proceedings arising out of it. As such, the FIR bearing No. 395/2016, registered on 03.10.2016 with Police Station Sagarpur, District South West, Delhi, under Sections 448/380/506/34 of IPC and proceedings arising out of the same are hereby quashed, subject to execution and registration of relinquishment deed/sale deed of the said property by the petitioner No.1 in favour of the respondent No.2 within four weeks.

10. The petition is disposed of.

**VINOD GOEL, J.**

**JULY 19, 2017/jitender**