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

+ CRL.M.C. 2167/2017

SMT NIBHA & ANR

..... Petitioners

Through: Mr.J.P.Yadav, Advocate with
petitioners in person.

versus

STATE & ANR

..... Respondents

Through: Ms.Kusum Dhalla, APP for the
State/R-1 with ASI Rajbir, PS Sultan
Puri.
Mr.Satish Kumar, Advocate for the
respondent No.2 with respondent in
person.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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05.07.2017

1. The present writ petition has been filed by the petitioners under Section 482 of the Code of Criminal Procedure for quashing of FIR No.372/2016, under Sections 354-B/323/509/34 IPC, registered at P.S. Sultanpuri, Delhi and consequential proceedings arising therefrom.
2. In this case, the parties are related to each other as petitioner Nos.1 & 2 are sister-in-law and brother-in-law (*jethani* and *jeth*) of the complainant/respondent No.2. It is a family dispute and FIR No.372/2016, under Sections 354-B/323/509/34 IPC has been registered due to misunderstanding and disputes within the family. The matter is pending trial before the Court of Ms.Susheel Bala Dagar, Ld. MM, Mahila Court, Rohini Courts, Delhi.

3. During the pendency of the proceedings, with the intervention of the elderly members of the family, in order to maintain family peace the respondent no. 2 has settled the matter with the petitioners. The parties have assured each other that they will maintain cordial relations in future and have arrived at an amicable settlement.

4. Though the petitioners have been charged with the offences, some of which 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.”

5. Learned counsel for the petitioners 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.

6. Respondent No.2/complainant is present in Court today and submits that she has settled the dispute with the petitioners and does not wish to pursue the criminal case against the petitioners any further. She further submits that she has no objection if the FIR in question against the petitioners and all proceedings emanating therefrom are quashed.

7. 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 petitioners, which will only be an exercise in futile and wastage of precious time of the Court.

8. Accordingly, in terms of the settlement arrived at between the parties, FIR No.372/2016, under Sections 354-B/323/509/34 IPC, registered at P.S. Sultanpuri, Delhi and consequential proceedings arising therefrom are hereby quashed. The petition is allowed.

9. Copy of the order be given *dasti* to the parties.

PRATIBHA RANI, J.

JULY 05, 2017

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