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

+ CRL.M.C. 2273/2017

MANNI KHANNA & ORS Petitioners

Through: Mr.Dalvinder Singh, Advocate with
petitioners in person

versus

STATE OF DELHI & ORS Respondents

Through: Ms.Kusum Dhalla, APP for the State
with SI Vishvendra, PS Seemapuri
Mr.Sushil Kumar, Advocate for R-2
to 4 with respondents in person.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **11.07.2017**

1. By way of present petition filed under Section 482 Cr.P.C., the petitioners are seeking quashing of FIR bearing No.0247/2015, under Sections 323/506/509/34 IPC, registered at PS Seema Puri, Delhi and all the proceedings arising therefrom.

2. Brief facts leading to filing of this petition are that petitioner No.1 was married to the respondent No.2 on 12th July, 2013 at Grand Milan Square near Koshambi Metro Station, Ghaziabad according to Hindu rites and ceremonies.

3. It is stated in the petition that due to differences between petitioner No.1 and respondent No.2, they could not live together and separated on 29th September, 2013. Thereafter the petitioner No.1 lodged a complaint against

the respondents before the CAW Cell, Seemapuri which resulted into registration of FIR No.231/2015 under Sections 498-A/406/34 IPC & Section 4 of Dowry Prohibition Act at PS Shahdara.

4. During investigation of case FIR No.231/2015, the parties appeared at CAW Cell where during mediation proceedings, the petitioner No.1 and respondent No.2 and their parents clashed with each other. Two FIRs bearing Nos.0247/2015 under Section 323/506/509/34 IPC and 0248/2015 under Section 323/341/506/34 IPC at PS Seemapuri were registered in respect of the incident that took place on 13.02.2015 at CAW Cell, Seema Puri.

5. It is further stated in the petition that during the pendency of investigation in the said FIRs, with the intervention of elders, friends and well wishers the parties arrived at an amicable settlement and agreed to dissolve the marriage by a decree of divorce with mutual consent. The copy of the said settlement deed dated 6th May, 2016 has been placed on record as Annexure P-4.

6. In terms of full and final settlement arrived at between the parties, the respondent No.2 paid a total sum of ₹8,00,000/- to the petitioner No.1 on account of full and final settlement of her claim towards maintenance (past, present and future).

7. Petitioner No.1 is present in person and submits that she has settled the matter with the respondents and in terms of said settlement, she has received the entire payment of ₹8,00,000/- from the respondents. Petitioner No.1 further submits that she has no objection if the FIR No.0247/2015 PS Seema Puri is quashed qua the respondents.

8. Learned counsel for the respondents no.2 to 4 submits that since the

parties have settled their disputes amicably and the marriage between the petitioner no.1 and respondent No.2 also stands dissolved by a decree of divorce by mutual consent, no useful purpose would be served by continuance of criminal proceedings against the respondents no.2 to 4. Learned counsel for the respondents no.2 to 4 has also placed on record the copy of the orders dated 29th May, 2017 whereby the other two connected FIRs i.e. FIR No.231/2015 under Sections 498-A/406/34 IPC & Section 4 of Dowry Prohibition Act, PS Shahdara, Delhi and FIR No.248/2015 under Sections 323/341/506/34 IPC, PS Seema Puri, have been quashed. Learned counsel thus prays for quashing of the FIR and all subsequent proceedings arising out of said FIR qua respondents no.2 to 4.

9. Though the respondents have 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.”

10. In view of the legal position laid down in *Gian Singh's case* (Supra) and 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 respondents, which will only be an exercise in futile and wastage of precious time of the Court.

11. Accordingly, in terms of the settlement arrived at between the parties, FIR bearing No.0247/2015, under Sections 323/506/509/34 IPC, registered at PS Seema Puri, Delhi and all consequential proceedings emanating therefrom are hereby quashed. The petition is allowed.

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

PRATIBHA RANI, J.

JULY 11, 2017
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