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

+ CRL.M.C. 2735/2017

GURINDER SINGH & ORS. Petitioners

Through: Mr.Krishna Dev Pandey, Advocate
with petitioners in person

Versus

THE STATE & ANR. Respondents

Through: Mr.Kewal Singh Ahuja, APP for the
State with ASI Rawat Singh
PS Khyala
Mr.Reahul Pandey, Advocate for R-2
with R-2 in person

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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19.07.2017

CRL.M.A.11300/2017

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

CRL.M.C. 2735/2017

1. By way of present petition filed under Section 482 Cr.P.C., the petitioners are seeking quashing of FIR bearing No.753/2014, under Sections 498-A/406 IPC, registered at PS Khyala, Delhi and all the proceedings arising therefrom.

2. On being questioned to the learned counsel for the petitioners that though in the FIR, respondent No.2 has named four persons but the petition has been filed by the three petitioners, it is submitted by the learned counsel for the petitioners that the fourth accused i.e. Nirmal Kaur alias Narinder Kaur, who was mother-in-law of the complainant, mother of the petitioner Nos.1 and 3 and wife of petitioner No.2, Sh.Ranjeet Singh, has expired on 3rd June, 2016 and he has also placed on record her death certificate. The respondent No.2/complainant confirmed the death of her mother-in-law.

3. Brief facts leading to filing of this petition are that respondent No.2 was married to the petitioner No.1 on 15th October, 2013 at Delhi according to Sikh rites and customs. Due to differences between petitioner No.1 and respondent No.2, respondent No.2 filed a complaint before CAW Cell on the basis of which FIR No.753/2014 was registered against the petitioners under Sections 406/498-A IPC, PS Khyala, Delhi. Thereafter, respondent No.2 filed a petition under Section 12 of The Protection Of Women From Domestic Violence Act, 2005 before the MM, Mahila Court where the parties settled the dispute and a total sum of ₹5 lakhs was to be paid to respondent No.2 towards all her claims including past, present and future maintenance and permanent alimony.

4. It is further stated in the petition that marriage between the petitioner No.1 and respondent No.2 has been dissolved by mutual consent vide order dated 22nd January, 2016 passed by the Principal Judge, Family Court (West), Tis Hazari Courts, Delhi. The copy of the decree sheet dated 22nd January, 2016 has been annexed with the petition as Annexure C.

5. In terms of full and final settlement arrived at between the parties,

today learned counsel for the Petitioners has handed over a demand draft for a sum of ₹ 1,00,000/- towards balance payment.

6. Respondent No.2 is present in person and submits that she has settled the matter with the Petitioners in terms of said settlement. She further submits that today she has received a Demand Draft for a sum of ₹1,00,000/- from the Petitioners towards balance payment and she has no objection if the FIR in question is quashed qua the Petitioners.

7. Though the petitioners 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.”

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

9. Accordingly, in terms of the settlement arrived at between the parties,

FIR bearing No.753/2014, under Sections 498-A/406 IPC, registered at PS Khyala, Delhi and all consequential proceedings emanating therefrom are hereby quashed. The petition is allowed.

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

PRATIBHA RANI, J.

JULY 19, 2017
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