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

+ CRL.M.C. 4096/2017

RANJEET & ORS

..... Petitioners

Through: Mr.Vijay Malik, Advocate with
petitioners in person.

versus

STATE & ANR

..... Respondents

Through: Mr.Kewal Singh Ahuja, APP for the
State/R-1.
Respondent No.2/complainant in
person.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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09.10.2017

Crl.M.A. No.16430/2017

1. Exemption allowed subject to all just exceptions.
2. Application is disposed of.

CRL.M.C. 4096/2017

1. By way of present petition filed under Section 482 Cr.P.C., the petitioners seek quashing of FIR bearing No.238/2014 under Sections 498A/406/354/506/34 IPC PS Jaffarpur Kalan, Delhi and all the proceedings arising therefrom.
2. Brief facts leading to filing of this petition are that marriage between petitioner No.1 and respondent No.2/complainant was solemnized on 20.05.2009 at Delhi according to Hindu rites and ceremonies. Out of the said

wedlock, one child namely Master Chirag Revalia was born on 18.02.2010. It is stated in the petition that due to temperamental differences, the respondent No.2 lodged a complaint on the basis of which a case FIR No. No.238/2014 under Sections 498A/406/354/506/34 IPC was registered against the petitioners.

3. It is also stated that during the pendency of proceedings, the matter was referred to the Mediation Cell, Dwarka Courts, Delhi where both the parties settled their disputes vide settlement dated 09.08.2017. Copy of the aforesaid settlement arrived at between the parties before the Mediation Cell is annexed as Annexure P-7 to the present petition.

4. Learned counsel for the petitioners submits that the petitioner No.1 and the respondent No.2 have amicably resolved their dispute with the intervention of Mediation Cell, Dwarka Courts, Delhi and that the petitioner No.1-husband and respondent No.2-wife are now living together happily alongwith their son. Learned counsel for the petitioners submits that since the parties are living together happily, no useful purpose would be served by continuance of criminal proceedings against the petitioners. Learned counsel thus prays for quashing of the FIR and all subsequent proceedings arising out of said FIR qua the petitioners.

5. Respondent No.2 is present in Court today and she also confirms the factum of amicable settlement with the petitioners. She submits that she alongwith her son is living happily with the petitioner No.1 and she has no grievance left against the petitioners. She further submits that she has no objection if the FIR in question and all subsequent proceedings arising out of the same are quashed.

6. The FIR registered against the present Petitioners is for committing

the offences punishable under Sections 498A/406/354/506/34 IPC. Offences punishable under Section 498-A/354 IPC are non-compoundable offences. 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 observed as under:-

“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-dominatingly 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.”

7. In view of the aforesaid amicable settlement arrived at between the parties, particularly the fact that the parties are living together happily with their son and the legal position laid down in *Gian Singh's case* (Supra), 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 case FIR No.238/2014 under Sections 498A/406/354/506/34 IPC, PS Jaffarpur Kalan, Delhi and consequential proceedings arising therefrom are hereby quashed.

Order dasti, as prayed.

PRATIBHA RANI, J.

OCTOBER 09, 2017

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