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

+ CRL.M.C. 1471/2022

DEEPAK SANGWAN & ORS. Petitioners

Through: Mr. A.K Sinha, Adv.

versus.

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

Through: Mr. Hemant Mehla, APP for the State
with W/51 Ms. Deepika, PS- Kotla
Mubarak Pur, New Delhi.
Mr. Vimal Sharma, Adv. for R-2.

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Date of Decision: 14th December, 2022

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. The present petition has been filed for quashing FIR No. 824/2014 registered at PS Kotla Mubarakpur under Sections 323/354/34 IPC. The FIR was lodged on the statement of complainant-respondent No.2-Smt. Asha wherein it was alleged that the accused persons had assaulted and molested her.
2. Learned Counsel for the petitioners submits that the parties are relatives of each other and reside in the same locality. He submits that

with the intervention of respectable persons of society, family members and well-wishers, the parties have settled all their disputes with each other and a compromise deed dated 23rd November, 2021 duly has been notarized.

3. The Respondent No.2-complainant is present in court and has duly been identified by the IO. She states that she entered into the compromise deed voluntarily and has settled all her claims (past, present and future) without any fear, undue influence or coercion. She further states that she has no objection if the FIR No. 824/2014 registered at PS Kotla Mubarakpur under Sections 323/354/34 IPC and all other proceedings emanating therefrom are quashed.
4. The inherent power under Section 482 Cr.P.C. is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guidance engrafted in such power viz.: (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court.
5. In ***Yashpal Chaudhrani and Others vs. State (Govt. of NCT Delhi) and Another***, 2019 SCC OnLine Del 8179, while examining the scope of Section 482 Cr.P.C it was inter alia held that since the institution of marriage has an important role to play in the society, the court is to make every effort to encourage the parties to terminate such discord amicably and if it appears that elements of settlement exist, and the parties are willing, they are to be directed to the process of mediation to explore the possibility of settlement, it being desirable to do so even at the “pre-litigation stage. While examining the prayer for quashing of a non compoundable offence, on the basis of

settlement of the dispute between the wrongful doer and the victim, the High Court is to bear in mind as to whether the possibility of conviction is “remote and oblique” and further, if the continuation of the criminal case would lead to “oppression and prejudice” or “extreme injustice” for the accused.

It was further inter alia held that the considerations which would weigh with Court include the antecedents of the accused, possible lack of bona fides, his past conduct and that includes the question as to whether he had earlier absconded and as to how he had managed with the complainant to enter into a compromise.

6. It has also been repeatedly held that 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. Reliance can be placed upon *Madhavrao Jiwajirao Scindia v. Sambhajirao Chandrojiroo Angre*, (1988) 1 SCC 692.
7. I have interacted with respondent no. 2/complainant and I consider that she has voluntarily entered into a settlement. There does not seem to be any force, fear or coercion at play. This Court is of the opinion that it is desirable to accept the settlement.
8. In the present case, the parties are relatives and live in the same

vicinity and have undertaken to maintain peace and harmony. In my considered opinion, it is in the interest of social harmony that they are given a chance to adhere to the settlement.

9. Taking into account the totality of facts and circumstances and the fact that the parties are relatives residing in the same locality and have amicably decided to settle the matter, the FIR No. 824/2014 registered at PS Kotla Mubarakpur under Sections 323/354/34 IPC and all other proceedings emanating therefrom are quashed.

10. Accordingly, the petition stands disposed of.

DINESH KUMAR SHARMA, J

DECEMBER 14, 2022

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