

\$~60

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

+ **CRL.M.C. 3315/2022, CRL.M.A. 13986/2022**

RAJAT BHASKAR

..... Petitioner

Through: Ms. Shefali Kishore, Adv., Ms, Shruti Gupta, Adv., Ms. Razia, Adv. and Mr. Aameer, Adv.

versus

THE STATE & ANR.

..... Respondents

Through: Mr. Amit Sahni, APP for the State with Mr. Insp. Sanjay Kumar, PS Cannaught Place.
Mr. Umesh Joshi, Adv. for complainant

%

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 preferred on behalf of the petitioner under Section 482Cr.P.C. for quashing FIR No.259/2016 under Section 354 IPC registered at PS Connaught Place. The FIR was lodged on the statement of respondent no. 2 /complainant namely

Sofy Marandi who made the allegations of molestation against petitioner/accused namely Rajat Bhaskar. On the basis of the statement, an investigation was conducted and the charge sheet has been filed under Section 354 IPC. Learned Trial Court has also framed the charge under Section 354 IPC vide order dated 22nd August, 2019.

2. Learned Counsel for the petitioner submits that the parties have now entered into a settlement vide MoU dated 25th May, 2022. It has been agreed between the parties that the petitioner shall Rs. 5,00,000/- in full and final settlement of all the claims. It has also been agreed between the parties that after receiving the above-said amount, no further amount shall be claimed by Respondent no. 2/complainant and both the parties shall ensure that they shall not indulge in any other litigation whether civil or criminal against each other with respect to the FIR No. 259/2016. Learned Counsel for the petitioner submits that no purpose would be served by continuing with the trial in respect of the above-mentioned FIR as the dispute has already been settled.
3. Respondent no. 2/complainant present in person and has duly been identified by the IO. She is wheelchair bound and states that her medical condition is such that she wants to settle the matter. The complainant states that she has already received the amount of Rs. 2,50,000/- and today a banker's cheque bearing No.019436 for a sum of Rs.2,50,000/- drawn on HDFC Bank dated 9th December, 2022 has been handed over to her by the petitioner. Respondent no. 2/complainant states that she has mutually agreed to settle the matter in order to bring peace to her life and without any fear, undue

influence or coercion. She further states that she has no objection if the FIR No.259/2016 under Section 354 IPC registered at PS Connaught Place 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 the inherent jurisdiction vested in the High Court, as recognized and preserved by Section 482 Cr. PC, is primarily to “prevent abuse of the process of court” or to “otherwise secure the ends of justice. The ends of justice are higher than the ends of mere law, the prime principle governing the exercise of inherent power being “to do real, complete and substantial justice” for which the court exists.
6. It is a settled proposition that it is the duty of the court to give “adequate treatment to the settlement between the parties” particularly in cases involving compoundable offences, the exercise of inherent power of the High Court under Section 482 Cr.P.C., however, not being inhibited in case of non-compoundable offences though, for the latter category, such power is to be “exercised sparingly and with caution.
7. The Court has also 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.

8. In the case of ***Gian Singh v. State of Punjab*** (2012) 10 SCC 303, the Supreme Court has observed that in the exercise of its inherent power under Section 482, the High Court can quash FIR/Charge-sheet on the basis of alleged settlement except in cases of rape, murder, dacoity or the cases under the Special Statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc.
9. 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.
10. The facts, in this case, are peculiar in nature. Respondent no. 2/complainant is suffering from multiple sclerosis and is on lifesaving drugs. In view of my interaction with respondent no. 2/complainant, I consider that she has voluntarily entered into a settlement. There does not seem to be any force, fear or coercion at play. I have also seen the MoU dated 25th May, 2022. There is nothing on record to suggest that the complainant has been forced into the settlement. I consider that in the interest of social harmony and in order to bring peace between the

parties, it is desirable to accept the settlement.

11. Taking into account the totality of facts and circumstances and the fact that the parties have amicably settled the matter, the FIR No.259/2016 under Section 354 IPC registered at PS Connaught Place and all other proceedings emanating therefrom are quashed.

12. Accordingly, the petition and pending application stands disposed of.

DINESH KUMAR SHARMA, J

DECEMBER 14, 2022

Pallavi



न्यायमेव जयते