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

+ **CRL.M.C. 3817/2019**

BRIJESH KUMAR SHARMA & ORS. Petitioners

Through: Mr. A.K. Choudhary, Adv.

versus

STATE & ANR. Respondents

Through: Mr. Amit Sahni, APP for the State.

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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 of FIR No. 307/2006 registered at PS Nand Nagri under Section 323/452/34 IPC.
2. The FIR was lodged on the statement of Respondent No.2/Ms.Asha Devi wherein it was alleged that the accused persons-petitioners forcibly entered her house and gave her beatings. Consequent to lodging the above-numbered FIR, the IO investigated the matter and the charge sheet was filed.

3. Learned Counsel for the petitioners submits that this was a quarrel that erupted at the spur of the moment on account of some dispute between the children of both families. Further, he submits that during the pendency of the case, respondent no. 2/complainant has entered into a settlement with the petitioners at Delhi Mediation Centre, Karkardooma Courts Delhi. As per the settlement deed dated 10th August, 2018, both parties have agreed to live peacefully and respect each other. They have also agreed that they will not file any litigation/complaint/ case against each other in future qua the present incident.
4. Learned counsel for the petitioner also submits that petitioner no.1 i.e; Brijesh Kumar Sharma has expired and his death has already been verified by the learned Trial Court. Furthermore, One of the other accused i.e. Parul was tried by the Juvenile Court and has been acquitted.
5. Learned Counsel for the petitioners submits that since no dispute is left between the parties, no purpose would be served by continuing with the trial of the FIR and therefore, the present FIR may be quashed.
6. The Investigating Officer states that the injuries caused to the petitioner were simple in nature.
7. The scope of powers conferred under Section 482 Cr.P.C. though wide but has to be exercised with circumspection. Such power has to be exercised in accord with the guidelines engrafted in such power

viz.: (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court. In cases where the offences are not compoundable in nature, the parties on account of an amicable settlement may invoke the inherent power under Section 482 Cr.P.C. for quashing the proceedings on the plea that continuance thereof would merely be an abuse of process of law. Reliance may be placed on ***Gian Singh v. State of Punjab*** (2012) 10 SCC 303.

8. In ***Gian Singh*** (supra), it was inter alia held that the formation of opinion by the High Court for quashing a criminal offence or criminal proceeding or criminal complaint is guided by the material on record as to whether the ends of justice would justify such exercise of power although the ultimate consequence may be acquittal or dismissal of indictment.
9. 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 as under:

55. Though the above-noted authoritative pronouncements of the Supreme Court have consistently laid down the broad principles governing the exercise of power of the High Court under Section 482 of the Cr. PC for bringing an end to the criminal process, for addressing the concerns noted at the outset and future guidance of trial courts, some of the crucial ones may be flagged as under:—

(i). 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”.

(ii). 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.

(iii) xxx.

(iv).xxx

(v). xxx.

(vi).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.

(vii). 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.

(viii). But, the High Court, when called upon to exercise the power under Section 482 Cr. PC to bring the criminal case to an end on the basis of settlement, must steer clear of intervention in “heinous” or “serious” offences, including those involving “mental depravity”, as indeed “economic offences” affecting “the financial and economic well being of the State”, such as murder, attempt to murder, extortion, forgery, rape, dacoity, financial or economic frauds, cases under Arms Act, etc., the reason being that such offences are “not private in nature” but have “a serious impact upon society”, and continuation of trial thereof is essential due to “overriding element of public interest”.

(ix). The court, however, is not to go by mere use of label of a serious offence (e.g. offence under Section 307 IPC), it being open to it to examine, by scrutiny of the evidence gathered, to find as to whether there are sufficient grounds to frame charge for such offence and, in this view, it being “not permissible” to intervene till the matter has been properly investigated.

10. I have interacted with Respondent No. 2/complainant who is present in person and has duly been identified by the IO. She states that she has no objection if FIR No. 307/2006 registered at PS Nand Nagri, under Section 323/452/34 IPC and all other proceedings emanating therefrom are quashed. She also states that she is voluntarily making the submissions against all claims (past, present and future) without fear, undue influence or coercion.

11. I consider that there is nothing on record to suggest that the complainant has been forced into the settlement. The petitioners are also present in Court 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.
12. Taking into account the totality of facts and circumstances and the fact that the parties are neighbours and have amicably decided to settle the matter, FIR No. 307/2006 registered at PS Nand Nagri, under Section 323/452/34 IPC and all the proceedings emanating therefrom are quashed.
13. The present petition stands disposed of.

DINESH KUMAR SHARMA, J

DECEMBER 14, 2022

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