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

+ CRL.M.C. 838/2022

SMT. GANGA DEVI

..... Petitioner

Through: Ms. Sujota Roy, Advocate

Versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Digam Singh Dagar, APP for the
State with SI Dharmveer, PS Chhawla
Mr. Anuj Saini, Adv. for R-2.

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Date of Decision: 11th April, 2023

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 by the petitioner Smt. Ganga Devi-mother-in-law of the complainant for quashing of FIR No. 534 /2014 registered at PS Chhawala, South West, Delhi under Sections 498A/406/34 IPC.
2. Learned Counsel for the petitioner submits Respondent No.2- Smt. Saraswati was married to Dharamvir, the son of the petitioner on 26.06.2013 according to Hindu rites and customs at Arya Sam Mandir. Consequently, on account of some matrimonial dispute, the

present FIR was lodged by her against the petitioner and her son. However, learned Counsel for the petitioner submits that with the intervention of the family members and well-wishers, respondent No.2 has agreed to settle the matter with the petitioner. The MoU dated 10.02.2022 was entered into between the parties which reads as follows:

“1. That it is mutually agreed between the parties that all their disputes and claims qua the present FIR has already been mutually settled and neither of the parties shall claim anything from each other.

2. That it is further agreed between the parties that neither of the parties shall file any complaint or any case (civil or criminal) against each other before any police authority or before any court of law in terms of the present FIR.

3. That now after the present settlement, no dispute of any kind left between the parties and all their previous disputes and claims stands settled and it is agreed between the parties that they shall file a joint petition for quashing of the FIR No.534/2014 of P.S. Chhawla and to fully cooperate with each other and to remain present before the Hon'ble High Court of Delhi at the time of recording of their statements.

4. That both the parties arrived into the present settlement out of their own sweet will and consent and without any force, coercion or undue influence from any corner.

5. That both the parties are bound by the terms and conditions of the present settlement.”

3. Respondent No.2 is present in court and has duly been identified by the IO. She states that she has entered into the settlement/MoU and with her mother-in-law i.e; the petitioner voluntarily against all claims (past, present and future) without any fear, undue influence or coercion and does not want to pursue the matter.

4. Hon'ble Supreme Court in the case of ***B.S. Joshi v. State of Haryana*** 2003(2) R.C.R. (Criminal) 888 while relying on the judgment of ***Pepsi Foods Ltd. & Anr. v. Special JudicialMagistrate & Ors.*** (1998) 5 SCC 749, observed that there is no straight jacket formula as to where the court will exercise jurisdiction under Section 482 of the Code. Exercise of such power would depend upon the facts and circumstances of each case but with the sole purpose to prevent abuse of the process of any court or otherwise to secure the ends of justice. It is well settled that these powers have no limits. Of course, where there is more power, it becomes necessary of exercise utmost care and caution while invoking such powers.
5. In the case of ***Madhavrao Jiwajirao Scindia & Ors. v. Sambhajirao Chandrojirao Angre & Ors.*** [(1998) 1 SCC 692], it was held that while exercising the inherent power of quashing under Section 482, it is for the High Court to take into consideration any special features which appear in a particular case to consider whether it is expedient and in the interest of justice to permit a prosecution to continue. Where, in the opinion of the Court, chances of an ultimate conviction are bleak and, therefore, no useful purpose is likely to be served by allowing a criminal prosecution to continue, the court may, while taking into consideration the special facts of a case, also quash the proceedings.
6. Partial quashing or part quashing of FIR only qua the petitioner/accused with whom the complainant has compromised or settled the matter can be allowed and while quashing, it must be

appreciated that the petitioner/accused cannot be allowed to suffer based on a complaint filed by the respondent, when subsequently, all disputes have been settled between the parties. Reliance can be placed on *Lovely Salhotra and Anr. vs. State, NCT of Delhi* 2017 SCCOnline SC 636. This court has also quashed the FIR and proceedings arising therefrom in part qua certain accusers with whom the complaint entered into a settlement with. Reliance can be made on order dated 30.01.2018 in Crl.M.C.No. 3690/2016 titled *Poonam Khanna vs State & Ors* in Crl.M.C.No, order dated 09.03.2017 in Crl. M.C. No. 2289/2013 titled *Vijay Kumar Gupta vs. State, Government of NCT of Delhi* and order dated 12.04.2022 in Crl. M.C. No. 1741/2021 titled *Sunil Tomar vs The State of NCT of Delhi & Anr.*

7. Keeping in view the aforesaid judgments and the facts and circumstances of this case, since the matter is amicably settled between the parties and in view of the submissions made by respondent no.2, case FIR No.534 /2014 registered at PS Chhawala, South West, Delhi under Sections 498A/406/34 IPC and all the proceedings emanating therefrom are quashed.
8. The present petition stands disposed of accordingly.

DINESH KUMAR SHARMA, J

APRIL 11, 2023

Pallavi