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

+ **CRL.M.C. 1935/2022**

MAHESH KUMAR BATRA & ANR.

..... Petitioners

Through: Mr.Kaartik Chhabra, Advocate with
petitioners in person.

versus

THE STATE & ANR.

..... Respondents

Through: Mr. Hemant Mehla, APP for the State
with Mr. Dipanshu Meena, Adv. with
SI Pooja Yadav, PS Jagat Puri.

Ms. Ritu Chopra, R-2 (VC)

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Date of Decision: 10th 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 under Section 482 of the Code of Criminal Procedure, 1973 has been filed on behalf of the petitioners seeking quashing of the FIR bearing No. 586/2015 registered at Police Station Jagatpuri, Delhi for offences punishable under Sections 354/323/34 of the Indian Penal Code, 1860.

2. Factual matrix of the case is that Petitioners are the Brothers-in-law of respondent no. 2/complainant. The FIR was lodged on the statement of Ms. X wherein she alleged that she had gone to drop her sister at her matrimonial home wherein the petitioners misbehaved and molested her. The said alteration led to the registration of the FIR. Investigation into the present matter is complete and the chargesheet has also been filed. The matter is pending before the learned Trial Court.

3. Learned Counsel for the Petitioner submits that during the pendency of the proceedings, with the intervention of common friends and well-wishers, the parties have amicably settled and compromised all the disputes, misunderstanding between them and have arrived on the compromise deed dated 23.04.2022. 4. The compromise deed dated 23.04.2022 reads as follows:

“1. That on the complaint of second party FIR NO. 58612015, U/S 354/323/34 IPC P.S. Jagatpuri was registered against the first party.

2. That due to the intervention of common friends, well wishers and respectable persons of the locality, the parties to deed have amicably settled and compromised all the disputes, misunderstandings between them in respect of FIR No. 586/2015, U/S 354/323/34 IPC P.S. Jagatpuri, Delhi.

3. That second party states and undertakes that now no grievances is left against the first party in respect of the FIR No. 586/2015,

U/s 354/323/34 IPC P.S. Jagatpuri, Now no dispute is left between the parties.

4. That the second party has amicably settled all her disputes with first party voluntarily, without any pressure, coercion or under influence from any comer.

5. That now second party had settled all her disputes and misunderstandings amicably with first party.

6. That second party shall co-operate in quashing FIR NO. 586/2015, U/S 354/323/34 IPC P.S. Jagatpuri, with first party before Hon'ble High Court of Delhi. Both the parties shall bound by this compromise deed."

5. Respondent No.2 is present in person and has duly been recognised by the IO. She states that she has settled the matter amicably. She stated that she entered into MOU voluntarily without any force, fear or coercion. The affidavit of Respondent No. 2 confirming the above-said facts has also been placed on record.

6. It has repeatedly been held by this Court and the Hon'ble Supreme Court that in disputes which are personal in nature if the matter is settled amicably, a quietus should be put.

7. Three Judges bench of the Hon'ble Supreme Court in a recent judgment of *Gian Singh v. State of Punjab & Anr*, 2012 (9) SCALE 257 dealt with the aspect of quashing of non-compoundable criminal proceedings by the High Courts in exercise of the inherent powers under Section 482 of the

Code of Criminal Procedure and after noticing all the earlier judgments delivered by it on the point came to the following conclusions:-

“61. 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 FIR may be exercised where the offender and the 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 a serious impact on society.”

8. The present case, though not a matrimonial dispute in the strict sense but it is a family dispute. The parties are closely related to each other and they have resolved their dispute amicably. This Court is of the considerate view that the continuation of criminal proceedings against the petitioners would be an abuse of the process of the Court and secure the ends of justice this Court should quash the ongoing trial of the petitioners in respect of the already noted FIR.

7. In view of the aforesaid discussion and the submissions made by of respondent no.2/complainant, the case FIR No. 586/2015, registered at PS

Jagatpuri, Delhi under Section 354/354B/509/34 IPC and all the proceedings emanating therefrom are quashed.

8. The present petition stands disposed of.

DINESH KUMAR SHARMA, J

APRIL 10, 2023

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