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

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Date of Decision: 25th September 2023

+ CRL.M.C. 2256/2022

DEEPAK VERMA

..... Petitioner

Through: Mr. Pulkit Luthra-I, Advocate with Mr. Pulkit Luthra-II, Mr. Harshit Luthra, Mr. Jai Narang, Mr. Garvit Gharvi and Mr. Nupur Luthra, Advocates, along with Petitioner in person.

versus

STATE & ANR.

..... Respondents

Through: Mr. Amit Sahni, APP for the State with IO SI Sanjeet Kumar, PS Mandawali.

Respondent No.2 in person (through Video Conferencing)

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

JUDGEMENT

JYOTI SINGH, J. (ORAL)

1. This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.1047/2014 dated 10.11.2014, under Sections 354/354A/354D/506/509 IPC registered at PS Mandawali, Delhi including all proceedings arising therefrom, predicated on a settlement arrived at between the parties.

2. It is stated in the petition that with the passage of time and due to the intervention of the relatives, common friends and families of Petitioner and Respondent No.2, the *inter se* disputes between the parties have been



amicably settled and Terms of Settlement have been incorporated in a Settlement Deed dated 30.03.2022, copy of which has been filed with the petition.

3. Petitioner is present in Court and has been identified by his counsel. Respondent No.2 appears virtually through video conferencing and is identified by the IO Sanjeev Kumar, PS Mandawali.

4. Respondent No. 2 states that since the matter has been amicably settled between the parties, she has no objection to the FIR being quashed. In view of the settlement between the parties, learned APP for the State also has no objection if the present FIR is quashed *albeit* he submits that the trial stands concluded and the matter is at the stage of final arguments before the Trial Court.

5. I have heard the learned counsels for the parties and the learned APP. Power of the Court to quash criminal proceedings on the basis of a settlement between the parties has been examined and delineated by the Supreme Court in a number of judgments. Emphasizing that the exercise of power under Section 482 Cr.P.C. would depend on the facts and circumstances of each case, the Supreme Court in ***Gian Singh v. State of Punjab and Another, (2012) 10 SCC 303***, held as follows:-

“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. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc.; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, 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. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding."

6. In view of the fact that parties have mutually settled their disputes, in order to put a quietus to the litigation pending between them, this Court sees no reason to continue the proceedings as no useful purpose will be served in doing so. Therefore, in the interest of justice and in order to maintain peace and harmony between the parties as well as in view of the observations of the Supreme Court in the aforementioned judgment, petition is allowed and FIR No.1047/2014 dated 10.11.2014, under Sections 354/354A/354D/506



/509 IPC registered at PS Mandawali, Delhi is quashed along with the proceedings emanating therefrom and the case stands closed. This would, however, be subject to the Petitioner contributing a sum of Rs.25,000/- in the form of woolen blankets, which he shall provide to Kilkari Rainbow Home for Girls, Kashmere Gate, Delhi, within four weeks from today. Proof in support thereof shall be filed with the Registry within four weeks from today and in case of failure to comply with the direction, the matter will be listed by the Registry in Court after 04 weeks.

7. Petition stands disposed of in the aforesaid terms.

JYOTI SINGH, J

SEPTEMBER 25, 2023/KA