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

+ **CRL.M.C. 5925/2023**

**HUKUM CHAND AND ORS.** ..... Petitioner

Through: Mr.Vikas Sharma, adv. with  
petitioners in person.

versus

**STATE AND ANOTHER** ..... Respondents

Through: Mr.Digam Singh Dagar, APP for the  
State  
SI Rohit Chahar, PS BHD Nagar  
Mr.Arman Bhola, Adv. for R-2 with  
R-2 in person.

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*Date of Decision: 21.08.2023*

**CORAM:**

**HON'BLE MR. JUSTICE DINESH KUMAR SHARMA**

### **J U D G M E N T**

**DINESH KUMAR SHARMA, J. (Oral)**

**CRL.M.A. 22262/2023 (delay)**

Present application has been filed for condonation of delay of 31 days in filing the present petition.

For the reasons mentioned in the application, the delay of 31 days in filing the petition is condoned.

The application stands disposed of.

**CRL.M.A. 22332/2023 (exemption)**

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Exemption is allowed subject to all just exceptions.

Application stands disposed of.

**CRL.M.C. 5925/2023**

1. Present petition has been filed for quashing of FIR no.0129 dated 23.02.2022 registered under Section 354/354(B)/323/34 IPC at PS Baba Haridas Nagar, Dwarka and all other proceedings emanating therefrom.
2. The FIR was lodge on the statement of 'XXXXX' alleging therein that the complainant has gone to fill water at her father-in-law's house which is on the right side, where her father-in-law started misbehaving with her. She came running to her house, where her husband was taking bath in the bathroom. Then her father-in-law followed her and grabbed her and hit her chest and tore her clothes and pressed her chest and molested her. In order to save herself she started shouting then her husband and mother-in-law along with sister-in-law and her daughter came and started beating her.
3. Learned counsel for the parties submit that in fact it was a property dispute which has now been settled. Respondent no.2/complainant submits that she now does not want to continue with the case and she has entered the settlement voluntarily.
4. However, now the parties have settled the matter vide compromise deed dated 06.03.2023 on the following terms and conditions:

*1. XXXX has agreed to compromise the disputes as there is one male child namely Tanish who is medically unfit and for the purpose of betterment of the life of the child, the complainant in*



*order to survive her married life compromised the present matter with all the parties of the Second Party. It has also been agreed that the parties of the Second Party shall put endeavors for the betterment of the life of the child namely Tanish.*

*2. The parties namely Sh. Hukum Chand R/o RZ 269, Phase-II, Gopal Nagar, Najafgarh, Delhi-110043, Smt. Kailash r/o RZ 269, Phase-II, Gopal Nagar, Najafgarh, Delhi-110043, Smt. Sumitra r/o RZ 269, Phase-II, Gopal Nagar, Najafgarh, Delhi-110043 and Smt. Neha r/o RZ 269, Phase-II, Gopal Nagar, Najafgarh, Delhi-110043 (parties of Second Party) shall not interfere in the married life of and Sh. Pawan Kumar. They have also agreed that they shall not indulge themselves in petty issues with XXXX.*

*3. The electricity and water connections of the portion of property R/o RZ 269, Phase-II, Gopal Nagar, Najafgarh, Delhi-110043 in which and Sh. Pawan Kumar are residing are also separated.*

*4. Sh. Hukum Chand R/o RZ 269, Phase-II, Gopal Nagar, Najafgarh, Delhi-110043 has transferred the portion of the property i.e. R/o RZ 269, Phase-II, Gopal Nagar, Najafgarh, Delhi-110043 in the name of Sh. Pawan in which portion Smt. Munesh is residing alongwith her family.*

*5. The First Party has filed one maintenance case u/s 125 Cr.P.C. against her husband namely Sh. Pawan Kumar (one of the party of the Second Party) and after oral compromise between the parties, the said case was withdrawn between them.*

*6. Sh. Pawan Kumar had filed on divorce petition against the First Party and the same was also withdrawn due to oral compromise between the Parties.*

*7. It has been agreed between the parties that Sh. Pawan Kumar will pay an amount of Rs.2,000/- per month towards the maintenance. One child namely Tanish was born out of the*



*wedlock of the parties and Sh. Pawan Kumar and XXXX has agreed that they will both jointly look-after the minor child and incurred all his expenses towards maintenance, medical expenses and other expenses as the need arise.*

*8. The First Party has filed case u/s 12 DV Act before the Court of law and the same will be withdrawn by the First party.*

5. Section 482 Cr.P.C. pre-supposes three circumstances under which the inherent jurisdiction may be exercised, i.e., (i) to give effect to an order (ii) to prevent the abuse of the process of court and (iii) to otherwise secure the ends of justice. The court while exercising the power under Section 482 Cr.P.C. does not function as a court of appeal or revision. The powers under Section 482 Cr.P.C., are of wide plenitude but have to be exercised sparingly with caution and only in the event when aforesaid three conditions are satisfied. The object behind the exercise of such power should be to do real and substantial justice for the administration of which the courts exist.
6. It has been repeatedly held by the Hon'ble Supreme Court and this court that when the chances of an ultimate conviction are bleak and, therefore, no useful purpose is likely to be served by allowing a criminal prosecution to continue, and where the court may be of the opinion that a settlement between the parties would lead to better relations between them, the court may exercise power under section 482 CrPC for quashing the proceedings or the complaint or the FIR as the case may be.
7. I consider that there would be no purpose of continuing with the



proceedings. The parties have amicable settled the matter. In the view of the above stated facts and circumstances, FIR No. 0129 dated 23.02.2022 registered under Section 354/354(B)/323/34 IPC at PS Baba Haridas Nagar, and all the other proceeding emanating therefrom are quashed.

8. The present petition stands disposed of.

**DINESH KUMAR SHARMA, J**

**AUGUST 21, 2023/rb**

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