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

+ **CRL.M.C. 4179/2022**

NARENDER SINGH & ORS.

..... Petitioners

Through: Mr. Haneef Mohammad, Mr. Ashwani Kumar and Mr. Mubashir Javed Siddiqui, Advocates.

versus

STATE (GOVT. OF NCT OF DELHI) & ANR. Respondents

Through: Mr. Hemant Mehla, APP for State with Mr. Dipanshu Meena, Advocate and SI Tarun Kumar, PS Civil Lines. Mr. Kamal, Advovcate for R-2.

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Date of Decision: 13.04.2023.

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 seeking quashing of case FIR No. 108/2014 dated 12.03.2014 under sections 354A/34 IPC registered at PS Civil Lines, North Delhi.

2. The said FIR was lodged on the complaint of the respondent No. 2/complainant alleging therein that on 12.03.2014 when she was travelling from Moolchand Metro Station to Vidhan Sabha Metro Station and got out of Vidhan Sabha Metro Station at about 21:30 hours, the petitioners herein who were in an inebriated state started misbehaving and harassing the

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respondent No. 2/complainant. One of the petitioner held her hand and the other two said unpleasant things and misbehaved with her. When she started making noise, other people came and even the husband of respondent no. 2 intervened and there was a scuffle between the petitioners and the husband of the complainant. Looking at this, two petitioners fled away from the spot and one of them i.e. petitioner No.1 namely Narender Singh was overpowered by the husband of the complainant and handed over to the police. Basis the said complaint, the present FIR came to be registered against the petitioners herein. Charge-sheet has been filed under sections 354A/509/34 IPC and the matter is stated to be pending adjudication before the learned Trial Court.

3. Ld. Counsel for the petitioner submits that while the proceedings were underway, the parties voluntarily settled all their disputes vide settlement agreement dated 10.05.2018 before the Delhi Mediation Centre, Tis Hazari Court, Delhi for a total compensation of Rs.80,000/-on the following terms and conditions:

“1. It has been agreed between the parties that all the accused shall pay a total sum of Rs. 80,000/- (Rs. Eighty thousand only) to the complainant Ms. PremLata, as compensation towards full and final settlement of the present case.

2. It has been further agreed between the parties that the above settled amount of Rs. 80,000/- (Rs. Eighty thousand only) shall be paid by all the accused to the complainant Ms. PremLata by way of demand draft before the Hon'ble High Court of Delhi at the time of quashing of present FIR. The complainant shall cooperate with all the accused in quashing of present FIR



before the Hon'ble High Court. The quashing petition shall be filed within 30 days from today.

3. It has been further agreed between the parties that thereafter they shall be left with no claim against each other and they shall be bound by their settlement.”

4. Learned counsel submits that in view of the settlement between the parties, no useful purpose would be served in continuing with the present complaint and seeks quashing of the same.

5. The parties are present in person before this Court and have been duly identified by the IO. Respondent No.2/complainant states that as per the settlement, out of the total amount of Rs. 80,000/- she has already received Rs. 50,000/- (Rupees Fifty thousand). She states that the remaining settled amount of Rs. 30,000/- is being paid today to her in cash by petitioners. She states that she has voluntarily settled the matter with the petitioners without any undue influence, threat, pressure, or coercion. She states that she has resolved all her grievances with the petitioners. She states that she has now received the entire settled amount. She states that on account of the settlement she does not wish to pursue the present complaint any longer and has no objection if the present FIR and all consequent proceedings emanating there from are quashed. An affidavit of no objection on behalf of the respondent No.2/complainant is also on record.

6. I have considered the submissions. It has been held in a catena of judgments of the Supreme Court as well as this Court that the High Court has the inherent power to quash criminal proceedings even in those cases which are not compoundable. Such power however is to be used sparingly with caution and circumspection. It is imperative that while exercising such



inherent power, the High Court must examine as to whether the possibility of conviction is remote and bleak and whether continuation of criminal proceedings would put the accused to great oppression and prejudice. Section 482 Cr.P.C. preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. Thus, while adjudicating whether a FIR or criminal proceeding is liable to be quashed, the High Courts must evaluate and weigh if the ends of justice would be served and justify the exercise of such inherent power. In the present case, the parties have voluntarily entered into the settlement. The respondent no.2/complainant has stated that she does not wish to pursue the present complaint and wants to put a quietus to the same. On account of the voluntary settlement the parties no longer wish to pursue the present complaint and seeks quashing of the same. Even if trial is allowed to continue, there is a bleak/remote chance of conviction, given that the parties have resolved their dispute and do not want to pursue the present complaint. I consider that it would be in the interest of justice that the present complaint is quashed.

7. Considering the totality of facts and circumstances of the case and in view of the statement of the respondent No.2/complainant, the case FIR No. 108/2014 dated 12.03.2014 registered under sections 354A/509/34 IPC at PS Civil Lines and all criminal proceedings emanating there from are quashed.

8. Accordingly, the present petition along with all other pending applications stands disposed of.

DINESH KUMAR SHARMA, J

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