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

+ CRL.M.C. 4187/2022

SATYA PRAKASH @ SATPRAKASH & ORS. Petitioners

Through: Mr.Balram and Mr.Nitin Rana,
advocates with petitioners in person.

versus

STATE OF NCT OF DELHI & ORS. Respondents

Through: Mr.Raghvinder Verma, APP for the
State.
SI Vikash, PS J.P.Kalan.
Respondents in person.

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Date of Decision: 26.04.2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. Present petition has been filed seeking quashing of FIR 0002/2019 dated 05.01.2019 registered under Section 341/452/323/354(B)/509/506/34 IPC. The FIR was lodged on the statement of Roshni Devi. A perusal of the FIR indicates that some quarrel took place between the parties who are related to each other and accordingly, the present FIR was also lodged
2. Learned Counsel for the petitioner submits that on similar facts a cross FIR was also filed bearing no.3/2019 under Section 323/341/506/34

CRL.M.C. 4187/2022

Page 1 of 4

IPC at PS Jafarpur Karan. He submits that after registration of the above-said cross FIRs, the parties have reached a settlement before the Mediation Centre, Dwarka Courts. The terms and conditions of the settlement read as under:

“4. After mutual discussion, the complainant has voluntarily, peacefully and amicably settled all his disputes without any coercion, pressure, undue influence, force, misrepresentation or mistake, with the respondents, with respect to the present case as well as above mentioned connected case, on the following terms and conditions:

(a) The complainant shall pay a total sum of Rs.55,000/- (Rupees Fifty five thousand only) to the respondents as full and final settlement, by way of cash/demand draft, in two instalments, as under:

- (i) The first installment of Rs.20,000/- (Rupees twenty thousand only) shall be paid by the complainant to the respondent on or before 19.05.2022.*
- (ii) The second installment of Rs.35,000/- (Rupees thirty five thousand only) shall be paid by the complainant to the respondents, at the time of filing of petition before the Hon'ble High court of Delhi for quashing of FIR no.2/2019 u/s 323/341/452/354/354A/354B/506/509/34 IPC, PS Jafarpur Kalan. State vs. Satya Prakash @ Satprakash & Others which shall be filed by Sh.Satya Prakash, within one month from today.*

(b) The complainant shall give appropriate statement for compounding the offences under Section 323/341/506/34 IPC before the Ld.Referral Court within fifteen days after passing of quashing order in above mentioned connected case, or as directed by Ld.Referral Court.

5. The parties shall be bound by the terms and condition as mentioned above.

6. In case. Any party fails to perform their part of settlement, the other party shall be at liberty to take action as per law.

7. All the parties shall bear their respective cost of litigation.

8. *By signing this settlement, all the parties state that they have no further claims or demands against each other with respect to the present case and all the disputes and differences in this regard have been amicably settled by the parties during the process of mediation.*
3. The parties are present in court and have duly been identified by the IO. They state that the terms of the settlement agreement have been complied with and that pursuant to the settlement, the parties will make a statement before the learned trial court for the compounding of offence. They state that they have no objection if the FIR under reference along with all the consequential proceedings are quashed.
 4. High Courts in the exercise of their inherent power u/s 482 CrPC can quash the proceedings arising out of an FIR either to prevent abuse of the process of the court or otherwise to secure the ends of justice. However, the exercise of such power would depend upon the facts and circumstances of each case. The powers possessed by the High Courts under section 482 Cr.P.C. are very wide and the very plenitude of the power requires great caution in its exercise. The High Court would exercise its extraordinary jurisdiction under section 482 CrPC, where it finds that non-interference shall result in abuse of the process.
 5. I have considered the submissions made by the parties. The present case is predominantly in the nature of a private dispute, there does not seem to be any other dispute between the parties. This court and Hon'ble Supreme Court have repeatedly opined that it is always better and desirable if such disputes are settled amicably. Reliance may be placed on *Gian Singh v. State of Punjab & Anr*, 2012 (9) SCALE 257

6. I do not see any reason to reject the settlement. It is better to put a quietus to the dispute in view of the settlement agreement between the parties. Parties seem to have entered the settlement voluntarily without any force, fear or coercion.
7. Accordingly, the present FIR bearing no.0002/2019 dated 05.01.2019 registered under Section 341/452/323/354(B)/509/506/34 IPC and all the other proceedings emanating therefrom are quashed.

DINESH KUMAR SHARMA, J

APRIL 26, 2023

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