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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of Decision: 22nd September 2023*+ **CRL.M.C. 6439/2023****MOHD. SHAAN & ANR.**

..... Petitioners

Through: **Mr. Dharmender Kumar, Advocate.**

versus

THE STATE & ANR.

..... Respondents

Through: **Mr. Digam Singh Dagar, APP for
State with SI Naveen.****Mr. Raj Kumar, Advocate for R-2.****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.93/2021 dated 07.04.2021, under Sections 324/34 IPC registered at PS I.P. Estate, Delhi including all proceedings arising therefrom, predicated on a settlement arrived at between the parties.

2. Respondent No. 2/Complainant is the brother-in-law of the Petitioners. A matrimonial dispute arose between Respondent No. 2 and sister of the Petitioners, pursuant to which she filed an application under Section 12 of the Protection of Women from Domestic Violence Act, 2005 against Respondent No. 2 and his family members. With the intervention of friends and well wishers of both parties, matter was amicably settled in April, 2021 and sister of the Petitioners joined the company of Respondent No. 2 and has since been living happily with him.



3. Present FIR No.93/2021 was registered at the instance of Respondent No. 2 against the Petitioners on account of an alleged scuffle between them. Subsequently however, parties have settled all their disputes amicably and a Compromise Deed has been executed on 22.05.2023, recording the terms of compromise, a copy of which has been filed along with the petition. It is recorded in the Deed that Petitioners' sister has joined the company of Respondent No. 2 in April, 2021 and is living happily and parties do not want to prosecute the cross FIRs filed against each other. Be it noted that FIR No. 94/2021 has been registered at the instance of Petitioners' sister against Shri Wasim, brother of Respondent No. 2 and is subject matter of a separate petition being CRL. M.C. 6525/2023, in which the said FIR has been quashed by a separate order passed today. Present petition is restricted to quashing of FIR No. 93/2021.

4. Petitioners and Respondent No.2 are present in Court and have been identified by their respective counsels as well as Investigating Officer SI Naveen, PS I.P. Estate.

5. Respondent No. 2 states that since the matter has been amicably settled between the parties, he has no objection if the FIR is quashed. In view of the settlement between the parties, learned APP for the State also has no objection if the present FIR is quashed.

6. 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 that *albeit* the inherent power is of wide plentitude with no statutory limitation but must be exercised in accord with guidelines engrafted in such power viz.: to secure the ends of justice and to prevent abuse of process of any Court. The Supreme Court cautioned that heinous and serious offences of mental depravity or offences like murder, rape, dacoity etc. cannot be fittingly quashed, however, criminal cases having overwhelming and predominantly civil flavor stand on a different footing for the purposes of quashing, particularly, offences arising from commercial, civil disputes or those pertaining to matrimonial relationships etc. where the wrong is basically private or personal in nature and parties have resolved their entire dispute. It was held thus:-

“61. 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.”



7. Guidelines laid down in *Narinder Singh and Others vs. State of Punjab and Another*, (2014) 6 SCC 466, envisage that in case of pre-existing familial or other personal relationships between the parties, proceedings can be quashed to meet the ends of justice and prevent abuse of the process of Court and/or waste of judicial time. Seen in the light of the guidelines elucidated by the Supreme Court, it is evident in the present case that parties are closely related and have amicably resolved their disputes. Settlement has been reduced to writing in the Compromise Deed, which has been filed in the Court. More importantly, the sister of the Petitioners has returned to her matrimonial home and is living happily with Respondent No. 2, her husband. In this view, no purpose will be served in keeping the present proceedings alive and thus, this Court is of the view that the FIR deserves to be quashed in the interest of justice.
8. For all the aforesaid reasons and in view of the compromise between the parties, FIR No.93/2021 dated 07.04.2021, under Sections 324/34 IPC registered at PS I.P. Estate, Delhi is hereby quashed along with all proceedings emanating therefrom.
9. Petition stands disposed of in the aforesaid terms.

JYOTI SINGH, J

SEPTEMBER 22, 2023/ck/shivam