

\$~43

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

+ **CRL.M.C. 4864/2022**

CHANDRA PRAKASH GOYAL

..... Petitioner

Through: **Mr. Sunil Kumar, Adv.**

versus

STATE THROUGH CHIEF SECRETARIAT & ANR.... Respondents

Through: **Mr. Amit Sahni, APP for the State
with PSI Durgesh from PS Bindapur.**

Respondent no. 2 in person

%

Date of Decision: 9th February, 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 under Section 482 Cr. P.C. seeking quashing of FIR No. 410/2019 registered at PS Bindapur under Sections 354/354(A)/509/323 IPC. The said FIR was lodged on the complaint of respondent No. 2/daughter in law against the petitioner herein, who is her father-in-law.

2. The allegations in the FIR are that the father-in-law/ petitioner used to perform illicit acts with the complainant and used to touch her

inappropriately. It was alleged that he used to walk naked at home and used to beat her up if she protested against it. It was alleged that on 21.05.2019 both the children of the complainant were playing at home and when the daughter of the complainant moved towards the balcony, the petitioner/accused slapped the daughter and when the complainant protested, slapped her too and abused her in filthy language. It was alleged that the husband of the complainant too, used to beat her.

3. Learned counsel for the petitioner submits that the present FIR was filed owing to some misunderstanding and dispute between the parties. He submits that now with the intervention of family members and well-wishers, the parties have resolved all their dispute amicably vide MOU dated 19.09.2022 on the following terms and conditions

“And whereas both the parties have decided that they should not get themselves entangled in the lengthy legal process and should sort out their differences and disputes amicably and peacefully.

And Whereas the SECOND PARTY has undertaken that she will cooperate in the quashing of F.I.R. bearing no. 0410/2019 U/S 354/354(A)/509/323 I.P.C., registered in PS Bindapur, and the SECOND PARTY undertakes to appear before the Hon’ble High Court of Delhi on the date concerned and shall have no objection if the Hon’ble High Court of Delhi quashes the abovesaid FIR.

And whereas both the parties have agreed and have arrived at an amicable settlement and have undertaken that they will never create

such acts which raise any misunderstanding between them and become a reason to disturb each other's peaceful life in future.

And whereas both the parties have agreed and undertaken that the terms & conditions of this Memorandum of Understanding are irrevocable in nature”

4. The parties are present before this court in person and have been duly identified by the IO. I have interacted with the complainant. She states that she is residing in the same house as the petitioner/accused. She states that the petitioner/accused is her father-in-law. She submits that the complaint arose due to misunderstandings between the parties. She submits that she has voluntarily entered into the settlement without any pressure, fear or coercion. She submits that she does not want to pursue the complaint and does not want to continue with the criminal proceedings. She states that she has no objection if the FIR No. 410/2019 registered at PS Bindapur under Sections 354/354(A)/509/323 IPC are quashed.

5. Section 482 of the Code saves the inherent power of the High Court which it has by virtue of it being a superior court to prevent abuse of the process of any court or to secure the ends of justice. In forming an opinion whether a criminal proceeding or complaint should be quashed in exercise of its jurisdiction under Section 482, the Court must evaluate whether the ends of justice would justify the exercise of the inherent power. The decision as to whether a criminal proceeding or FIR should be quashed on the ground that the offender and victim have settled the dispute, revolves ultimately on the facts and circumstances of each case. The main aim is to do real, complete and substantial justice.

6. It has repeatedly been held that if the dispute is private in nature and the parties have entered into a settlement and there is a remote or bleak chance of conviction, it is better to put an end to the litigation so as to prevent the abuse of the process of the Court and to secure the ends of justice. The petitioner is an aged person. The dispute is pre-dominantly family dispute which has now been settled. Thus the settlement is accepted.

7. In view of the above facts and circumstances, FIR No. 410/2019 registered at PS Bindapur under Sections 354/354(A)/509/323 IPC and all criminal proceedings emanating therefrom are quashed.

8. Accordingly, the present petition stands disposed of.

DINESH KUMAR SHARMA, J

FEBRUARY 9, 2023

Pallavi..