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

+ **CRL.M.C. 5447/2022**

VIKAS VERMA & ORS.

..... Petitioners

Through: Mr. Mohit Singh, Advocate.

versus

STATE & ORS.

..... Respondents

Through: Mr. Raghuvinder Verma, APP for the
State and SI Neeraj Kumar, PS South
Rohini.

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Date of Decision: 20.04.2023.

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. 340/2010, under Section 451/323/341/34 IPC registered at P.S. South Rohini. The chargesheet in the present case has been filed under section 323/341/452/506/34 IPC.

2. Facts of the case, in brief, are that Mr. Sandeep Verma and Mrs. Priyanka Verma were married to each other on 04.11.2003. However, some matrimonial dispute arose between them and they started living separately since 06.09.2010. The present FIR was lodged against the members of the family i.e., brothers and close relatives of wife Mrs. Priyanka Verma on the

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statement of complainant Bal Kishan, who is the uncle of Mr Sandeep Verma.

3. Learned Counsel for the petitioners submit that the matter has been settled between Sandeep Verma and Priyanka Verma vide MOU dated 09.05.2022. In terms of the MOU it has been agreed between the parties that the Husband namely Sandeep Verma shall pay a sum of a sum of Rs.20,00,000/- (Rupees Twenty lakhs Only) to the wife namely Priyanka Verma onwards full and final settlement of all her claims including arrears of maintenance, past, present and future maintenance, Istridhan, permanent alimony, dowry articles and miscellaneous expenses etc.

4. Learned Counsel submits that pursuant to the MOU, the parties have filed a mutual consent divorce petition wherein the first motion has already been passed. It has been stated that the passing of the second motion for divorce is fixed for 04.05.2023. Further, it has been submitted since the parties have resolved their disputes amicably, it would be in the interest of justice if the present FIR is quashed.

5. The parties are present in court and have duly been identified by the IO. Petitioner No.4 is also appearing through VC. Complainant/Respondent no. 2 namely Bal Kishan states that the present FIR between the parties emanated due to a matrimonial dispute between the parties and since the matrimonial dispute has been settled, he has no objection if the present FIR is quashed. An affidavit of Respondent no. 2 in this regard has also been filed along with the present petitioner confirming the same.

6. A bare perusal of the FIR indicates that the parties are known to each other and the nature of the dispute is personal in nature. Though it is not a

matrimonial dispute in the strict sense but both parties were related to each other through matrimony. This court and Supreme Court have repeatedly held that in cases like the present one, if the parties have settled the disputes between themselves, the Court should also encourage the same.

7. In the case of A three Judges bench of the Hon'ble Supreme Court in a recent judgment in *Gian Singh v. State of Punjab & Anr.*, 2012 (9) SCALE 257 dealt with the aspect of quashing of non-compoundable criminal proceedings by the High Courts in exercise of the inherent powers under [Section 482](#) of the Code of Criminal Procedure and after noticing all the earlier judgments delivered by it on the point came to the following conclusions

"61. The position that emerges from the above discussion can be summarised thus : the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz. : (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court. In what cases power to quash the criminal proceeding or complaint or FIR may be exercised where the offender and the victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact

on society.”Since the criminal proceedings against the petitioners were a consequence of family dispute and the parties have resolved their dispute amicably this Court is of the view that continuation of criminal proceedings against the petitioners would be an abuse of the process of the Court and secure the ends of justice this Court should quash the ongoing trial of the petitioners in respect of the already noted FIR.”

8. Taking into account the totality of facts and circumstances and the fact that the parties were related to each other and that they have amicably decided to settle the matter, this Court is of the view that continuation of criminal proceedings against the petitioners would be an abuse of the process of the Court and secure the ends of justice this Court should quash the ongoing trial of the petitioners in respect of the already noted FIR.
9. Accordingly, the FIR No. 340/2010, under Section 451/323/341/34 IPC registered at P.S. South Rohini and all the proceedings arising there from are quashed.
10. Present petition along with pending applications stands disposed of.

DINESH KUMAR SHARMA, J

APRIL 20, 2023/AR