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

+ CRL.M.C. 6901/2022, CRL.M.A. 26758/2022 & CRL.M.A. 10579/2023

RAGINI SHARMA

..... Petitioner

Through: Mr. Akshay Bhambri, Adv.

versus

NCT OF DELHI AND ANOTHER

..... Respondents

Through: Mr. Hemant Mehla, APP and ASI
Anil Kumar, AATS/SD.

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Date of Decision: 11.07.2023.

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 case FIR No. 251/2018 dated 18.09.2018 registered under Section 380 IPC at PS Hauz Khas, South Delhi.
2. The said FIR was lodged on the statement of respondent No.2/complainant alleging theft of money and jewelry of around Rs. 60-70 lakhs from her house's almirah locker. It was alleged by the complainant that she suspected a planned robbery as there were no signs of forced entry. It was further alleged that she did not check her almirah lockers till 15.09.2018, when she finally



discovered that the cash and jewelry items were missing from the locker. Basis the said allegations, the present FIR was registered. Chargesheet has been filed and the matter is pending adjudication before the Ld. MM, whereby vide order dated 02.03.2022 the petitioner was summoned, and the petitioner duly appeared on 05.08.2022.

3. Ld. Counsel submits that the petitioner herein is in fact the daughter of the respondent No.2/complainant and the FIR arose due to some misunderstandings between the parties. Ld. Counsel submits that however now the parties have amicably resolved all their disputes vide Memorandum of Understanding (MOU) cum settlement agreement dated 10.04.2023 on the following terms and conditions:

“WHEREAS, during the pendency of the aforesaid Criminal proceedings, the Parties have agreed to compromise and amicably settle all their disputes and differences qua the following the above-mentioned FIR without any consideration value, only out of natural Love and affection.

FOR THAT, The Parties has entered into a mutual compromise/settlement, in terms of which they have amicably settled all existing disputes/issues between themselves and thus, there are no existing dispute between the Parties and they will not file any civil/criminal case pertaining to their above-mentioned dispute in future.

FOR THAT, this Settlement/Compromise between the Parties had entered into through their respective free will and has not been achieved through any kind



of duress, threats, social boycott, bribes, or other dubious means.

That both the parties undertake that the parties and/or their family members shall not file any litigation in any court of law either civil or criminal, or any complaint to the Police/Public authority, or any claim/compensation whatsoever against the other party and/or their family members in future. Further in case of litigation/complaint initiated by any of the parties in the present case, whatsoever being not in knowledge of the other party shall be deemed to have been withdrawn and shall be null and void for all legal purposes in future.

That it is agreed between both the parties that neither of the parties shall misquote/misrepresent/misuse any personal information or material pertaining to each other in future in any form whatsoever.

FOR THAT, this compromise agreement may prevent the ill will, particularly in the same family in this case, and thus the purpose of this Settlement Cum Memorandum of Understanding which is reformatory in nature and which works for bringing peace and happiness in family.

That the settlement between the parties, is going to result in harmony between them and shall maintain and improve their future relationship.”

4. It has been submitted that in terms of the above settlement, the parties no longer wish to pursue the present complaint. The parties are appearing through VC and have been duly identified by the IO. Respondent No.2/complainant states that the petitioner is her daughter, and the FIR arose due to some misunderstandings between them. She states that she has no grievance against the



- petitioner and no longer wishes to pursue the present FIR. She states that she has entered into the settlement voluntarily out of her own free will, without any fear, force or coercion. She states that she has no objection if the present FIR and all criminal proceedings emanating therefrom are quashed.
5. This Court can exercise its inherent power under Section 482 of Cr.P.C. to prevent abuse of the process of any court or to secure the ends of justice. The courts while forming an opinion whether a criminal proceeding should be quashed or not under Section 482 of the Code, 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. It has repeatedly been held by the Hon'ble Supreme Court and this Court 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 a quietus to the litigation so as to prevent the abuse of the process of the Court and to secure the ends of justice.
6. I have considered the submissions and perused the records. The parties are family members and the petitioner is the daughter of the complainant. The dispute arose due to misunderstandings which now stand amicably resolved. The chances of conviction would also be bleak and remote, given that the parties do not wish



to pursue the present complaint on account of the settlement. In such circumstances, continuance of FIR No. 251/2018 would serve no useful purpose and may cause prejudice to the petitioners and be an exercise in futility. I do not see any reason to reject the settlement which has been voluntarily entered into by the parties. This court considers that it is better to put a quietus to the dispute in view of the settlement arrived at between the parties voluntarily and in the interest of justice.

7. Taking into account the totality of facts and circumstances of the case, the case FIR No. 251/2018 registered under Section 380 IPC at PS Hauz Khas, South Delhi, and all criminal proceedings emanating therefrom are quashed.
8. Accordingly, the present petition along with pending applications stands disposed of.

DINESH KUMAR SHARMA, J

JULY 11, 2023/AR