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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 74/2024 & CRL.M.A. 603/2024**
MOHIT SODHI & ORS. Petitioners

Through: Mr. Devesh Sharma, Adv.
All the petitioners in person.

versus

**STATE OF NCT OF DELHI
& ANR.**

..... Respondents
Through: Ms. Rupali Bandhopadya,
ASC with Mr. Abhijeet
Kumar, Adv.
SI Pardeep, PS Subhash
Place.
Ms. Meena Devi, Adv. for
R-2.
R-2 / complainant in
person.

**CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN**

ORDER
08.01.2024

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1. The present petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (**CrPC**) for quashing of the FIR No. 0132/2021 dated 31.03.2021, under Sections 498A/406/377/34 of Indian Penal Code, 1860 (**IPC**), registered at Police Station Subhash Place. The FIR was registered on a complaint filed by Respondent No. 2 in the present petition.
2. It is averred that the marriage between Mr. Mohit Sodhi, Petitioner No. 1 and Mrs. X, Respondent No.2, was solemnized on 17.01.2019 as per Hindu rites and ceremonies. However, due to matrimonial discord, some misunderstanding took place between Petitioner No. 1 and Respondent No. 2.
3. Owing to the misunderstandings and temperamental differences, both Petitioner No. 1 and Respondent No.2 started living separately since 08.01.2020.



4. The Respondent No.2 made a complaint in Crime Against Women Cell against the petitioner and his family members, which later culminated into above-mentioned FIR No. 0132/2021 dated 31.03.2021, under Sections 498A/406/377/34 of the IPC, registered at Police Station Subhash Place. The charge sheet in the present case has already been filed.

5. The present petition has been filed on the ground that the parties have with the intervention of family and friends amicably resolved their disputes and have executed a settlement deed dated 11.08.2023, arrived at Delhi Mediation Centre, Tis Hazari Courts.

6. The parties have settled on their own free will and volition, without any pressure, coercion, undue influence or duress of any nature. Pursuant to the settlement the parties have already obtained the decree of divorce by mutual consent and they intend to live their lives peacefully.

7. The complainant, who is present in Court, submits that the complaint was given on a misunderstanding because of the matrimonial discord and she does not want to pursue the same.

8. In terms of the settlement out of the total amount of ₹12,50,000/-, the amount of ₹8,50,000/- has already been paid and the remaining amount of ₹4,00,000/- has been handed over in Court today by way of Cheque No. 010382 dated 14.12.2023 drawn on HDFC Bank, Mansarovar Garden, New Delhi - 110015. The petitioner undertakes that the said cheque will be cleared when presented.

9. It is also noted that there is no child out of the wedlock.

10. The parties are present in person and have been duly identified by the Investigating Officer.

11. Offences under Sections 498A and 377 of IPC are non-
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compoundable whereas offence under Section 406 of IPC is compoundable.

12. It is well settled that the High Court while exercising powers under Section 482, CrPC, can compound offences which are non-compoundable under CrPC on the ground that there is a compromise between the accused and the complainant. The Hon'ble Apex Court has laid down parameters and guidelines for High Courts exercising jurisdiction under Section 482 for quashing of proceedings on the ground of settlement. In ***Narinder Singh & Ors. V. State of Punjab & Anr.*** reported as **(2014) 6 SCC 466**, the Supreme Court has observed as under:-

“29. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:

29.1. Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution.

29.2. When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:

- (i) ends of justice, or*
- (ii) to prevent abuse of the process of any court.*

While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.

29.3. Such a power is not to be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity,



etc. Such offences are not private in nature and have a serious impact on society. Similarly, for the offences alleged to have been committed under special statute like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender.

29.4. On the other hand, those criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.

29.5. While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.”

(emphasis supplied)

13. Similarly, in ***Parbatbhai Aahir & Ors v. State of Gujarat & Anr. reported as (2017) 9 SCC 641***, the Supreme Court has observed as under :-

“16. The broad principles which emerge from the precedents on the subject, may be summarised in the following propositions:

16.1. Section 482 preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court.

16.2. The invocation of the jurisdiction of the High Court to quash a first information report or a criminal proceeding on the ground that a settlement has been arrived at between the offender and the victim is not the same as the invocation of jurisdiction for the purpose of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of Section 320 of



the Code of Criminal Procedure, 1973. The power to quash under Section 482 is attracted even if the offence is non-compoundable.

16.3. In forming an opinion whether a criminal proceeding or complaint should be quashed in exercise of its jurisdiction under Section 482, the High Court must evaluate whether the ends of justice would justify the exercise of the inherent power.

16.4. While the inherent power of the High Court has a wide ambit and plenitude it has to be exercised (i) to secure the ends of justice, or (ii) to prevent an abuse of the process of any court.

16.5. The decision as to whether a complaint or first information report 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 and no exhaustive elaboration of principles can be formulated.

*16.6. In the exercise of the power under Section 482 and while dealing with a plea that the dispute has been settled, the High Court must have due regard to the nature and gravity of the offence. **Heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot appropriately be quashed though the victim or the family of the victim have settled the dispute. Such offences are, truly speaking, not private in nature but have a serious impact upon society. The decision to continue with the trial in such cases is founded on the overriding element of public interest in punishing persons for serious offences.***

16.7. As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing insofar as the exercise of the inherent power to quash is concerned.

16.8. Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute.

16.9. In such a case, the High Court may quash the criminal proceeding if in view of the compromise between



the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice; and

16.10. There is yet an exception to the principle set out in propositions 16.8. and 16.9. above. Economic offences involving the financial and economic well-being of the State have implications which lie beyond the domain of a mere dispute between private disputants. The High Court would be justified in declining to quash where the offender is involved in an activity akin to a financial or economic fraud or misdemeanour. The consequences of the act complained of upon the financial or economic system will weigh in the balance.”

(emphasis supplied)

14. The offence under Section 377 is serious in nature and cannot be called as a dispute which is private in nature. However, the complainant, on being interacted, have categorically stated that the complaint was given by her on a misunderstanding. Thus, keeping in view the principle as aforestated and the fact that the parties have amicably resolved the disputes with the intervention of Delhi Mediation Centre, Tis Hazari Courts and have also decided to live peacefully and move on with their lives, this Court feels that no useful purpose will be served by keeping the dispute alive. The continuance of the proceedings, in such circumstances, would be an abuse of the process of the Court and also will not be in the interest of the complainant. I am, therefore, of the opinion that this is a fit case where discretionary jurisdiction can be exercised and the proceedings be quashed.

15. This Court also feels that since charge sheet has already been filed and the State machinery has been put to motion, the petitioner should be put to costs.

16. Thus, keeping in mind the nature of allegations, the settlement between the parties, pre-existing relationship between the parties and the law laid down by the Hon'ble Apex Court



from time to time, FIR No. 0132/2021 and the proceedings arising therefrom are quashed subject to payment of cost of ₹15,000/- to be deposited with the Delhi Police Welfare Fund.

17. The present petition along with the pending application(s) is disposed of in the aforesaid terms.

AMIT MAHAJAN, J

JANUARY 8, 2024 / 'KDK'