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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 189/2024

RAJVEER SARDANA

..... Petitioner

Through: Mr. Saakaar Sardana and
Ms. Surabhi Sardana,
Advs. along with
petitioner in person.

versus

STATE & ORS.

..... Respondents

Through: Mr. Utkarsh, APP for the
State with ASI Deepak and
SI Narender.
Ms. Bhumika Kapoor,
Adv. for R-2 along with R-
2 in person.
Mr. Arjun Nanda, Adv. for
R-3.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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09.01.2024

CRL.M.A. 754/2024 (*exemption from filing certified copies of the annexures / clear typed copies of dim or illegible documents / annexures*)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The present petition is filed for quashing of FIR No. 0149/2023 dated 25.06.2023, under Sections 279/337/338 of the Indian Penal Code, 1860 (IPC) at Police Station Chitranjan Park.
4. It is averred that the complainant ASI, Mr. Deepak, received an information regarding an accident on Savitri Flyover, on 25.06.2023. On reaching the spot, he saw that the

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Respondents No. 2 and 3 have been hit by a four-wheeler car driven by the petitioner. The complainant, thereafter, registered the present FIR No. 0149/2023 dated 25.06.2023 against the petitioner under Sections 279/337/338 of the IPC.

5. The present petition has been filed on the ground that parties have amicably settled all their disputes by way of settlement deeds dated 21.07.2023 and 06.12.2023.

6. In terms of the settlement deed dated 21.07.2023, out of the total settlement amount of ₹2,00,000/-, an amount of ₹1,50,000/- already stands paid to Respondent No. 2 – 50,000/- as cash and ₹1,00,000 through cheque bearing No.000057, dated 21.07.2023, drawn on Kotak Mahindra Bank, Malviya Nagar, New Delhi branch, Delhi-110017, at the time of signing of the settlement deed. Cheque bearing No. 000085, dated 10.01.2024, drawn on Kotak Mahindra Bank, Malviya Nagar, New Delhi branch, Delhi-110017 for the balance amount and ₹50,000/- is handed over today in Court.

7. In terms of settlement deed dated 06.12.2023, out of the total settlement amount of ₹80,00,000/-(rupees eighty lakhs only), an amount of ₹40,00,000/- (rupees forty lakhs only) already stands paid to Respondent No. 3 by the petitioner, by way of a cheque bearing No.000081, dated 06.12.2023, drawn on Kotak Mahindra Bank, Malviya Nagar, New Delhi branch, Delhi-110017, at the time of signing of the settlement deed. Cheque bearing No.000082, dated 15.01.2024, drawn on Kotak Mahindra Bank, Malviya Nagar, New Delhi branch, Delhi-110017 for the balance amount of ₹40,00,000/- (rupees forty lakhs) is handed over today in the Court.

8. The petitioner undertakes that the said cheques handed over today will be cleared when presented.

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9. The petitioner and Respondent No. 2 are present in person and have been duly identified by the Investigating Officer.

10. Mr. Arjun Nanda, learned counsel appearing for the Respondent No. 3 states that Respondent No.3 has also filed an affidavit granting his No-objection to the quashing of FIR.

11. Learned Additional Public Prosecutor for the State submits that he also does not have any objection if the proceedings are quashed.

12. Offences under Section 337 and 338 of the IPC are compoundable whereas offence under Section 279 of the IPC is non-compoundable.

13. It is well settled that the High Court while exercising its powers under Section 482 CrPC can compound offences which are non-compoundable under the Code on the ground that there is a compromise between the accused and the complainant, however, the Supreme Court had laid down parameters and guidelines for High Court while accepting settlement and quashing the proceedings. **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)

14. 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.”

15. Keeping in view the nature of allegations and the settlement arrived at between the parties, this Court feels that no useful purpose will be served by keeping the dispute alive. I am of the considered opinion that this is a fit case to exercise discretionary jurisdiction under Section 482 of CrPC.

16. In view of the aforesaid, FIR No. 0149/2023 under Sections 279/337/338 of the IPC registered at Police Station Chitranjan Park and all consequential proceedings arising therefrom, are quashed.

17. It is made clear that any observation made in the present order will not affect the outcome of any proceeding that may have been initiated by the parties in regard to the insurance claim.

AMIT MAHAJAN, J

JANUARY 9, 2024

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