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

+ **CRL.M.C. 1233/2024**

ANSHUL GUPTA & ORS. Petitioners

Through: Mr. R. S. Lathwal and Mr.
Amit Mittal, Advs.
All the petitioners in
person.

versus

THE STATE GOVT OF NCT OF
DELHI & ANR.

..... Respondents

Through: Mr. Pradeep Gahalot, APP
for the State with SI Tanu,
PS Mangol Puri.
Ms. Aanchal Budhraja, Dr.
Alok and Mr. Siddharth
Narang, Advs. for R-2.
R-2 in person.

+ **CRL.M.C. 1278/2024**

SH. AJAY AGGARWAL & ORS. Petitioners

Through: Ms. Aanchal Budhraja, Dr.
Alok and Mr. Siddharth
Narang, Advs.
All the petitioners in
person.

versus

STATE (GOVT OF NCT OF
DELHI) & ANR.

..... Respondents

Through: Mr. Pradeep Gahalot, APP
for the State with SI Tanu,
PS Mangol Puri
Respondent No. 2 in
person

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN



ORDER
15.02.2024

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CRL.M.A. 4882/2024 (for exemption) in CRL.M.C. 1233/2024
CRL. M.A. 5026/2024 (for exemption) in CRL.M.C.
1278/2024

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

CRL.M.C. 1233/2024 & CRL.M.C. 1278/2024

3. The present petition is filed for quashing FIR No. 560/2023 dated 15.05.2023 registered for the offences under Sections 498A/406/34 of the Indian Penal Code, 1860 ('IPC') and FIR No. 667/2022 dated 11.05.2022 registered for the offences under Sections 506/509/34 of IPC. Both FIRs are registered at Police Station Mangol Puri. Chargesheet has been filed in FIR No. 667/2022.

4. It is averred that the marriage between Petitioner No. 1, in CRL. M.C. 1233/2024, that is, Mr. Anshul Gupta, and Respondent No. 2, in CRL. M.C. 1233/2024, that is Ms. Dimple, was solemnized on 07.07.2021 as per Hindu rites and ceremonies. No child was born out of the said wedlock. Thereafter, due to matrimonial discord, some misunderstandings took place between the parties, due to which they started living separately.

5. Subsequently, Ms. Dimple made a complaint against the petitioners, in CRL. M.C. 1233/2024, that is, Mr. Anshul Gupta and his relatives, alleging that she was subjected to cruelty by them, which culminated into the aforementioned FIR No. 560/2023.

6. It is further averred that Respondent No.2, in CRL.M.C. 1278/2024, who is the sister of Mr. Anshul Gupta, made a



complaint against the petitioners, in CRL.M.C. 1278/2024, who are the relatives of Ms. Dimple, alleging that they had forcefully entered her house and threatened her. The said complaint culminated into FIR No. 667/2022.

7. It is submitted by the learned counsel for the parties that the present FIRs were lodged pursuant to misunderstandings between the parties.

8. The present petition is filed on the ground that the parties have amicably settled all their disputes, without any coercion or pressure, with the intervention of well wishers and respectable members of the society by way Memorandum of Understanding dated 22.07.2023.

9. In terms of the Memorandum of Understanding, it has been agreed between the parties that Petitioner No. 1, in CRL. M.C. 1233/2024, will pay a sum of ₹50,00,000/- to Respondent No. 2, in CRL. M.C. 1233/2024. Out of the said sum, a sum of ₹40,00,000/- has already been paid and the balance sum of ₹10,00,000/- is handed over today in Court by way of a Demand Draft. Pursuant to the settlement, Mr. Anshul Gupta and Ms. Dimple have obtained a decree of divorce by mutual consent.

10. All the parties are present and have been duly identified by the Investigating Officer.

11. It is pointed out that the Demand Draft has been made on an incorrect name.

12. Mr. Anshul Gupta, undertakes to transfer the said amount directly to the bank account of Ms. Dimple. He is bound down to the undertaking.

13. Complainants, that is, Ms. Dimple and Respondent No.2, on being asked, state that they don't wish to pursue the



proceedings arising out of the present FIRs and have no objection if the said FIRs are quashed.

14. Offences under Sections 406, 506 and 509 of the IPC are compoundable whereas offence under Section 498A of the IPC is non-compoundable.

15. 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. The Hon'ble Apex Court has 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.”

16. 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.”

17. Keeping in view the pre-existing relationship between the parties, the nature of dispute and the fact that the parties have decided to live peacefully, this Court feels that no useful purpose



would be served by keeping the dispute alive and continuance of the proceedings would amount to abuse of the process of Court. I am of the considered opinion that it is a fit case to exercise discretionary jurisdiction under Section 482 of the CrPC.

18. However, keeping in mind the fact that the charge sheet has already been filed in the case arising out of FIR No. 667/2022, and the State machinery has been put to motion, ends of justice would be served if the petitioners, in CRL.M.C. 1278/2024, are put to cost.

19. In view of the above, FIR No. 560/2023 and all consequential proceedings arising therefrom are quashed. Similarly, FIR No. 667/2022 and all consequential proceedings arising therefrom are also quashed, subject to payment of a total cost of ₹10,000/- by the petitioners, in CRL.M.C. 1278/2024, to Delhi Police Welfare Fund, within four weeks.

20. It is clarified that both the said FIRs are quashed subject to Mr. Anshul Gupta depositing the balance sum of ₹10,00,000/- in the bank account of Ms. Dimple. The details of the bank account of the complainant shall be provided to the learned counsel for Ms. Dimple.

21. The present petitions are allowed in the aforesaid terms.

AMIT MAHAJAN, J

FEBRUARY 15, 2024

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