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

+ **CRL.M.C. 709/2022**

ACHINT NATH GUPTA

..... Petitioner

Through: Mr.Ankur Berry, Mr.Rahul
Singh, Advs. with petitioner in
person.

versus

STATE (NCT OF DELHI) & ANR.

..... Respondents

Through: Mr.Aman Usman, APP with SI
Ariti Singh.
Respondent no.2 in person.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

18.03.2024

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1. This petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') seeking quashing of FIR No.56/2022 registered at Police Station: Sector 23 Dwarka, Dwarka District, Delhi, under Sections 3(1)(r) and 3(1)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 (in short, 'SC & ST Act') along with all other proceedings arising therefrom, based on a settlement.

2. The learned counsel for the petitioner submits that the parties are well known to each other, as the respondent no.2 is stated to have worked as a sweeper in the apartments where the petitioner was residing at the time of the commission of the alleged offence. He submits that the subject FIR was registered due to some misunderstanding between the parties, that is, the petitioner and the respondent no.2.



3. The learned counsel for the petitioner submits that the parties have amicably settled their *inter se* disputes and have executed a settlement agreement dated 28.01.2022.
4. The respondent no.2, who is present in Court and has been duly identified by the Investigating Officer, reaffirms the abovementioned settlement and states that the settlement has been arrived at out of his own free will and without any coercion. The respondent no.2 submits that he would pray that the present FIR be quashed.
5. I have perused the contents of the FIR and also the settlement arrived at between the parties.
6. In ***Ramawatar v. State of M.P.***, (2022) 13 SCC 635, the Supreme Court, while quashing an FIR filed under the SC & ST Act, has held as under:

“10. So far as the first question is concerned, it would be ad rem to outrightly refer to the recent decision of this Court in Ramgopal v. State of M.P. (2022) 14 SCC 531, wherein, a two-Judge Bench of this Court consisting of two of us (N.V. Ramana, CJI & Surya Kant, J.) was confronted with an identical question. Answering in the affirmative, it has been clarified that the jurisdiction of a court under Section 320 CrPC cannot be construed as a proscription against the invocation of inherent powers vested in this Court under Article 142 of the Constitution nor on the powers of the High Courts under Section 482 CrPC. It was further held that the touchstone for exercising the extraordinary powers under Article 142 or Section 482 CrPC, would be to do complete justice. Therefore, this Court or the High Court, as the case may be, after having given due regard to the nature of the offence and the fact that the victim/complainant has willingly entered into a settlement/compromise, can



quash proceedings in exercise of their respective constitutional/inherent powers.

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16. Ordinarily, when dealing with offences arising out of special statutes such as the SC/ST Act, the Court will be extremely circumspect in its approach. The SC/ST Act has been specifically enacted to deter acts of indignity, humiliation and harassment against members of Scheduled Castes and Scheduled Tribes. The Act is also a recognition of the depressing reality that despite undertaking several measures, the Scheduled Castes/Scheduled Tribes continue to be subjected to various atrocities at the hands of upper castes. The courts have to be mindful of the fact that the Act has been enacted keeping in view the express constitutional safeguards enumerated in Articles 15, 17 and 21 of the Constitution, with a twin-fold objective of protecting the members of these vulnerable communities as well as to provide relief and rehabilitation to the victims of caste-based atrocities.

17. On the other hand, where it appears to the Court that the offence in question, although covered under the SC/ST Act, is primarily private or civil in nature, or where the alleged offence has not been committed on account of the caste of the victim, or where the continuation of the legal proceedings would be an abuse of the process of law, the Court can exercise its powers to quash the proceedings. On similar lines, when considering a prayer for quashing on the basis of a compromise/settlement, if the Court is satisfied that the underlying objective of the Act would not be contravened or diminished even if the felony in question goes unpunished, the mere fact that the offence is covered under a “special statute” would not refrain this Court or the High Court, from exercising their respective powers under Article 142 of the Constitution or Section 482 CrPC.”



7. Keeping in view the fact that parties were known to each other and the respondent no.2 does not wish to pursue his complaint any further, as also the Settlement arrived at between the parties, and also looking into the nature of the allegations made in the complaint, I find that no useful purpose would be served in continuing with the proceedings of the present FIR as the chances of its success will be rather minuscule and it would rather create further acrimony between the parties and will be an unnecessary burden on the State exchequer.

8. Guided by the principles enunciated by the Supreme Court in its judgments in *Ramawatar* (Supra); *Gian Singh v. State of Punjab*, (2012) 10 SCC 303; *Parbatbhai Aahir @ Parbatbhai Bhimsinbhai Karmur & Ors. v. State of Gujarat & Ors.*, (2017) 9 SCC 641; and, *State of Haryana & Ors. v. Bhajan Lal & Ors.*, 1992 Supp (1) SCC 335, this Court deems it appropriate, in the interest of justice, to exercise its inherent powers under Section 482 of the Cr.P.C. to quash the FIR and all the proceedings emanating therefrom.

9. Accordingly, the petition is allowed. FIR No.56/2022 registered at Police Station: Sector 23 Dwarka, Dwarka District, Delhi, under Sections 3(1)(r) and 3(1)(s) of SC & ST Act and all consequential proceedings emanating therefrom against the petitioner are quashed.

NAVIN CHAWLA, J

MARCH 18, 2024/Arya/AS

[Click here to check corrigendum, if any](#)