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

+ **CRL.M.C. 1867/2024**

AMREEK SINGH

..... Petitioner

Through: Mr. Abhik Kumar, Mr. Rinku and Mr. Sudhanshu Khandelwal, Advocates alongwith Petitioner in person.

versus

THE STATE NCT OF DELHI AND ANR.

..... Respondents

Through: Mr. Digam Singh Dagar, APP for State with SI Sudhir, PS: Burari.
Mr. Deepak Kumar Singh, Advocate for R-2 and 3 alongwith R-2 and 3 in person.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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07.03.2024

CRL.M.A. 7096/2024 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CRL.M.A. 7178/2024 (delay in refiling)

3. This is an application filed by the Petitioner for condonation of delay of 17 days in refiling the petition.
4. For the reasons stated in the application, the same is allowed and the delay of 17 days in refiling the petition is condoned.
5. Application stands disposed of.

CRL.M.C. 1867/2024

6. This petition has been filed by the Petitioner under Section 482 Cr.P.C. for quashing of FIR No. 598/2020 dated 09.11.2020 under Sections



448/380/506/34 IPC, registered at P.S. Burari including the proceedings emanating therefrom.

7. As per the case of the prosecution, Respondent No.2/Complainant wanted to purchase a flat in Burari and persons known to him, namely, Dilip Singh and his partner Mohd. Noorian told the Complainant that they had a flat in Burari being First Floor, Khasra No. 877, Lal Dora Abadi, Village Burari, Delhi, which they were intending to sell. Respondent No.2 visited the said flat alongwith his wife and finalised the deal. After payment of sale consideration, possession was handed over to Respondent No.2 and he locked the premises. However, a few days later when Respondent No.2 visited the flat, he saw that Petitioner had broken the lock of the flat and taken possession and was residing there. When Respondent No.2 confronted him, he stated that he was the owner as all original papers were with him and threatened Respondent No.2 of dire consequences in case he insisted on taking possession. Subsequently, complaint was lodged by Respondent No.2 culminating in registration of the present FIR. Charge Sheet has been filed before the Trial Court.

8. During pendency of the criminal proceedings, Petitioner and Respondents No.2 and 3 have amicably settled all their disputes before the Mediation Centre, Tis Hazari Courts and executed a Settlement Agreement dated 16.08.2023, copy of which has been placed on record. As per the terms of settlement, it was agreed between the Petitioner and Respondents No.2 and 3 that Petitioner would handover the vacant and peaceful possession of the property being First Floor, Khasra No. 877, Lal Dora Abadi, Village Burari, Delhi to Ms. Gagandeep Kaur (Respondent No.3 herein) on or before 17.08.2023 and the suit being CS No. 383/2020 filed



against Respondent No. 2 would be withdrawn on 12.09.2023. It was further agreed that Ms. Gagandeep Kaur will withdraw the civil suit being CS No.76/2023 titled '*Gagandeep Kaur v. Amreek Singh*', whereafter parties shall approach this Court for quashing of the FIR and Complainant shall support the same. It is stated that the suits as well as the pending complaint under Section 138 NI Act being CC No. 169/2022 titled as '*Amreek Singh v. Mohd. Noorian*' have been withdrawn by the respective parties.

9. Issue notice.

10. Learned APP accepts notice on behalf of the State.

11. Respondents No.2 and 3 are present in Court and accept notice and are identified by the Investigating Officer SI Sudhir, P.S.: Burari. Respondents No.2 and 3 submit that the matter has been settled between the parties. All pending litigations have been disposed of. They also state that physical, vacant and peaceful possession of the property has been handed over and has been taken over by the Complainants, and therefore, they have no objection to the FIR being quashed.

12. The Supreme Court in *Gian Singh v. State of Punjab and Another, (2012) 10 SCC 303*, observed that while dealing with the issue of quashing of an FIR where the parties enter into amicable resolution of disputes, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceedings despite a compromise between the victim and the wrong doer and if the answer to the question is in the affirmative, the High Court would be within its jurisdiction to quash the criminal proceedings. Relevant paragraphs are as follows:-

“55. In the very nature of its constitution, it is the judicial obligation of the High Court to undo a wrong in course of administration of justice or to prevent continuation of unnecessary judicial process. This is founded on



the legal maxim quando lex aliquid alicui concedit, conceditur et id sine qua res ipsa esse non potest. The full import of which is whenever anything is authorised, and especially if, as a matter of duty, required to be done by law, it is found impossible to do that thing unless something else not authorised in express terms be also done, may also be done, then that something else will be supplied by necessary intendment. Ex debito justitiae is inbuilt in such exercise; the whole idea is to do real, complete and substantial justice for which it exists. The power possessed by the High Court under Section 482 of the Code is of wide amplitude but requires exercise with great caution and circumspection.

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58. Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. No doubt, crimes are acts which have harmful effect on the public and consist in wrongdoing that seriously endangers and threatens the well-being of the society and it is not safe to leave the crime-doer only because he and the victim have settled the dispute amicably or that the victim has been paid compensation, yet certain crimes have been made compoundable in law, with or without the permission of the court. In respect of serious offences like murder, rape, dacoity, etc., or other offences of mental depravity under IPC or offences of moral turpitude under special statutes, like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, the settlement between the offender and the victim can have no legal sanction at all. However, certain offences which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions or the offences arising out of matrimony, particularly relating to dowry, etc. or the family dispute, where the wrong is basically to the victim and the offender and the victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable, the High Court may within the framework of its inherent power, quash the criminal proceeding or criminal complaint or FIR if it is satisfied that on the face of such settlement, there is hardly any likelihood of the offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated. The above list is illustrative and not exhaustive. Each case will depend on its own facts and no hard-and-fast category can be prescribed.

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61. The position that emerges from the above discussion can be summarised thus : the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz. : (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court. In what cases power to quash the criminal proceeding or complaint or FIR may be exercised where the offender and the victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc.; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

13. In a later judgment in the case of **Narinder Singh and Others v. State of Punjab and Another**, (2014) 6 SCC 466, the Supreme Court reiterated



the proposition and relevant paragraphs are as follows:-

“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.”

14. In ***B.S. Joshi and Others v. State of Haryana and Another, (2003) 4 SCC 675***, the Supreme Court has observed that Section 320 Cr.P.C. would not be an impediment in quashing non-compoundable offences in exercise of inherent powers under Section 482 Cr.P.C. where the facts and circumstances of the case call upon the Court to do so in the interest of justice. It has been held in various judgments that power of compounding and quashing of criminal proceedings in exercise of inherent powers are not equal or interchangeable in law.

15. Parties have mutually settled all their disputes. In view of the settlement between the parties and the categorical stand of Respondent No.2 that he does not want to pursue the complaint, no useful purpose will be



achieved in continuing the criminal proceedings emanating from the present FIR, as the chances of conviction are bleak and it would be in the interest of justice that the proceedings are terminated. This Court is fortified in its view by the orders of this Court in *Simranpreet Singh and Ors. v. State and Anr.*, CRL.M.C. 2357/2021, decided on 01.08.2022 and *Komal Gupta and Anr. v. State (N.C.T. of Delhi) and Anr.*, CRL.M..C. 6335/2023, decided on 01.09.2023, where the Courts have quashed FIRs under similar provisions, predicated on settlements between the parties, in the interest of justice.

16. Accordingly, FIR No. 598/2020 dated 09.11.2020 under Sections 448/380/506/34 IPC, registered at P.S. Burari, Delhi, is quashed including proceedings emanating therefrom.

17. Petition stands disposed of.

JYOTI SINGH, J

MARCH 07, 2024/pa