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

+ **CRL.M.C. 2061/2024 & CRL.M.A. 7945/2024**

MAHESH CHAND AND ORS.

..... Petitioners

Through: Ms. Ayushi Mittal, Mr. Kunwar
Samrat Singh Solanki and Mr. Ankit Ambasta,
Advocates along with Petitioners in person.

versus

GOVT OF NCT OF DELHI

..... Respondent

Through: Mr. Digam Singh Dagar, APP for
State with SI Amit Punia, PS: Palam Village.
Mr. Aaditya, Advocate for R-2 along with R-2
(through Video Conferencing).

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

13.05.2024

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1. This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.674/2023 dated 25.10.2023 under Sections 323/341/506/34 IPC registered at P.S. Palam Village including proceedings emanating therefrom.

2. According to learned counsel for the Petitioners, the disputes have their genesis in a matrimonial discord between Maya Verma, sister of Petitioner No.2 and Rakesh Verma, brother-in-law of Respondent No.2, who are husband and wife. The disputes took an ugly turn, because of which both families got involved in a bitter rivalry. In the heat of the moment, Respondent No.2 filed a complaint alleging that the Petitioners, who are relatives of her sister-in-law, namely Maya Verma came to her place on



24.10.2023 and mentally and physically harassed her and her family members and present FIR was registered. On 05.12.2023 a petition seeking dissolution of marriage was filed by Rakesh Verma under Section 13(1)(ia) of Hindu Marriage Act, 1955 before the Family Courts, Dwarka on the ground of cruelty against Maya Verma. Both were referred to the Counsellor and all disputes were amicably resolved between them and they are now living together. It was agreed that both parties will withdraw all pending cases and will not file any case against each other. In view of the settlement between the husband and wife, the family members also decided to settle their disputes, which had arisen due to and on account of the matrimonial discord between Rakesh and Maya Verma. In furtherance thereof, a Memorandum of Settlement was executed on 07.02.2024 between Respondent No.2 and the Petitioners, incorporating the terms of settlement, copy of which has been filed with the petition. It was recorded in the MOU that all parties had settled the disputes out of their own free will and without any pressure and Respondent No.2 agreed to support the quashing of present FIR.

3. Mr. Aaditya, learned counsel appears on behalf of Respondent No.2.

4. Petitioners are present in the Court and Respondent No.2 has joined the Court proceedings virtually and all are identified by their respective counsels as well as by the Investigating Officer SI Amit Punia, PS: Palam Village. Respondent No.2 states that she has settled the matter out of her free will and has no objection to the quashing of the FIR as all issues have been amicably resolved and she wants peace and harmony to continue between the close relatives. Learned APP has no objection to the quashing of the FIR in view of the settlement between the parties.



5. 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 predominately 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.”

6. 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.”



7. Parties have reconciled their differences and settled the matter, which were admittedly triggered by the matrimonial discord between Rakesh and Maya Verma. In view of the settlement between the parties and the stand of Respondent No.2 that she supports the quashing, it would be futile to proceed with the criminal proceedings as the chances of conviction are extremely bleak and instead it will serve the ends of justice, in the facts of this case, if the proceedings are terminated and parties are left to live peacefully. Charge sheet is yet to be filed. Accordingly, this Court finds no impediment in quashing the FIR in the interest of justice, in exercise of the inherent jurisdiction. This Court is fortified in its view by the decisions of this Court in *Sumer Singh v. The State (GNCT of Delhi) and Anr.*, *CRL.M.C. 463/2022*, decided on 02.02.2022 and *Vikas Yadav & Ors. v. State NCT of Delhi & Anr.*, *CRL.M.C. 8842/2023*, decided on 04.12.2023, where the Courts have quashed FIRs under same provisions, predicated on settlements between the parties, in the interest of justice.

8. Accordingly, FIR No.674/2023 dated 25.10.2023 under Sections 323/341/506/34 IPC registered at P.S. Palam Village is quashed with all proceedings emanating therefrom.

9. Petition is disposed of along with pending application.

JYOTI SINGH, J

MAY 13, 2024/kks