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

+ **CRL.M.C. 2151/2024**

ALOK MOTAN AND ANOTHER

..... Petitioners

Through: Mr. Kunal Sabharwal, Ms. Pooja Pandey and Ms. Sonia Motan, Advocates along with Petitioners (through Video Conferencing).

versus

THE STATE GOVT. OF NCT OF DELHI AND ANR.

..... Respondents

Through: Mr. Digam Singh Dagar, APP for State with SI Vishal, PS: Mayur Vihar.
Wife of deceased Respondent No.2/complainant (through Video Conferencing).

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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09.05.2024

CRL.M.A. 8354/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Applications stand disposed of.

CRL.M.C. 2151/2024

3. This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.117/2011 dated 02.05.2011 under Sections 323/341/506/34 IPC registered at P.S. Mayur Vihar including proceedings emanating therefrom.
4. As per office note, notice was not issued to Respondent No.2 for want of process fee. However, Respondent No. 2 enters appearance and is



identified by Investigating Officer SI Vishal, PS: Mayur Vihar, as the wife of deceased Respondent No.2/complainant.

5. Case of the prosecution is that present FIR was registered pursuant on a complaint made by late Ram Gopal Chaturvedi who had retired as Guest Faculty from Ambedkar Institute of Technology, Geeta Colony, Delhi in 2008. It was alleged that on 01.05.2011 at around 9 P.M., his neighbour Alok Motan was sitting in his father's white colour Maruti car and was blowing the horn. The car was parked adjacent to the house of the complainant and he came out and questioned him on why he was blowing the horn so loudly and why he had parked the motor cycle near the window of his bedroom. Upon this, Alok Motan started abusing and beating him and soon his father Subhash Chander Motan also joined in the beating. Hearing the noise, complainant's wife came to the spot and attempted to protect the complainant but was beaten up in the bargain. Accused persons threatened the complainants that they will not permit the complainant to live in the flat and will construct a balcony and room in their own flat. On a call being received, Police reached at the spot and on inquiry came to know that the complainants had been taken to LBS Hospital. No eye witness was found at the spot. Medical examination was done and as per the MLC, the nature of injuries was 'simple'. Petitioner No. 1 also filed a complaint under Section 200 Cr.P.C. read with Section 156(3) Cr.P.C. and pending the application, FIR No. 141/2011 was registered against the deceased Ram Gopal Chaturvedi and Respondent No. 2, his wife. Charge sheet has been filed in both the cases before the Trial Court. In the midst of all this, Respondent No. 2 expired.



6. During the course of trial, parties were referred before Delhi Mediation Centre, Karkardooma Courts for exploring the possibility of an amicable settlement. Ultimately, the mediation was successful and a written settlement was drawn up on 07.05.2022 in the present FIR and a separate agreement was drawn up in the cross-FIR. Copies of the settlements have been placed on record. In view of the settlement, Petitioners have approached this Court seeking quashing of the FIR. Death certificate of late R.G. Chaturvedi has been filed with the petition.

7. Ms. Kiran Chaturvedi, legal heir of late R.G. Chaturvedi is present in Court and states that the matter has been settled and she does not want to pursue the matter any further. Learned APP has no objection to the quashing of the FIR in view of the settlement between the parties and considering that the nature of injury is simple and original complainant has expired.

8. 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.”

9. 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.”

10. In view of the settlement between the parties and the stand of Ms. Kiran Chaturvedi, surviving victim, it would be futile to proceed with the criminal proceedings as the chances of conviction are bleak and in my view, 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. This Court is fortified in its view by the decisions of this Court in ***Nagender Singh alias Nageen v. State of NCT of Delhi and Anr., CRL.M.C. 4065/2023***, decided on 30.05.2023 and ***Sumer Singh v. The State (GNCT of Delhi) and Anr., CRL.M.C. 463/2022***, decided on 02.02.2022, where the Courts have quashed FIRs under same provisions, predicated on settlements between the parties, in the interest of justice.



11. Accordingly, FIR No.117/2011 dated 02.05.2011 under Sections 323/341/506/34 IPC registered at P.S. Mayur Vihar is quashed including proceedings emanating therefrom
12. Petition stands disposed of in the aforesaid terms.

MAY 09, 2024/kks/shivam

JYOTI SINGH, J