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

+ **W.P.(CRL) 893/2024**

BALJEET SINGH & ANR.

..... Petitioners

Through: Mr. Ankit Rana, Advocate along with
Petitioners (through Video Conferencing).

versus

THE STATE (GOVT. OF NCT OF DELHI) & ORS.

..... Respondents

Through: Ms. Nandita Rao, ASC for State with
SI Prashant, PS: Kanjhawala.

Mr. Tushar Romhetra, Advocate for R-2 and 3
along with R-2 and 3 (through Video
Conferencing).

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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18.03.2024

CRL.M.A. 8407/2024 (exemption)

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

W.P.(CRL) 893/2024

3. This petition has been filed on behalf of the Petitioners under Article 226 of the Constitution of India read with Section 482 Cr.P.C. seeking quashing of FIR No. 433/2023 dated 27.10.2023 under Sections 323/354/506/509 IPC registered at PS: Kanjhawala including proceedings emanating therefrom.
4. Case of the Prosecution is that a complaint was received against the



Petitioners for breaking into the house of the Complainant and abusing her mother-in-law, outraging the modesty, assaulting and snatching the mobile phone as well as breaking the phone and threatening to kill. The allegation was that Parveen Chhillar used to sometimes park his car in the Complainants' house. Since one of the Complainants has a small child, they used to lock the main gate so that accidentally the child does not go on the road. On 26.10.2023, at around 07:30 p.m. in the evening, Parveen came to park his vehicle and without calling anyone to open the gate, which he usually did before parking his car, he started breaking the gate with sticks and bricks. Hearing the noise, one of the Complainants came out and Parveen started abusing her and when she asked him to stop abusing, he climbed the wall, slapped her many times and touched her inappropriately. Neighbours gathered and finally the PCR was called. Even while going back, Parveen abused the Complainants and threatened them that he would spoil their reputation in the colony.

5. During the pendency of the criminal proceedings, parties have arrived at an amicable settlement of all their disputes. Copy of the Settlement/Compromise Deed executed between the parties on 09.02.2024, has been annexed to the petition.

6. Issue notice.

7. Learned ASC accepts notice on behalf of the State.

8. Mr. Tushar Romhetra, learned counsel accepts notice on behalf of Respondents No.2 and 3.

9. Petitioners and Respondents No. 2 and 3 are present and are identified by their respective counsels as well as by the Investigating Officer SI Prashant, PS: Kanjhawala. Respondents No. 2 and 3 state that they have



amicably resolved their disputes with Petitioners and give their no objection to the quashing of the FIR. Learned ASC also does not object to the FIR being quashed since parties have resolved their disputes.

10. The Supreme Court in ***Gian Singh v. State of Punjab and Another, (2012) 10 SCC 303***, observed that while exercising inherent powers under Section 482 Cr.P.C. in respect of quashing of an FIR where parties have entered into amicable resolution of the disputes, one of the considerations would be whether it would be unfair or contrary to the interest of justice to continue the criminal proceedings despite the compromise and if the answer to the question is in the affirmative, the High Court would be well within its jurisdiction to quash the criminal proceedings, in order to ensure that the disputes are put to an end and peace is restored as securing the ends of justice is the ultimate guiding factor. This was of-course with a caveat that heinous and serious offences of mental depravity or offences like murder, dacoity etc. cannot be fittingly quashed even though the victim or the victim's family settles the disputes with the offender. Relevant paragraphs of the judgment 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.”

11. Parties have mutually settled all their disputes. In view of the settlement between the parties and the categorical stand of Respondents No.2 and 3 that they do not want to pursue the complaint, no useful purpose will be achieved in continuing the criminal proceedings emanating from the subject FIR and it would be in the interest of justice that proceedings are terminated so that peace and harmony established between the parties, continues. This Court is fortified in its view by a decision of this Court in



S. Predeep Singh v. The State (Govt. of NCT of Delhi) and Anr., CRL.M.C. 2495/2022 decided on 08.07.2022 and *Swaran Lata & Ors. v. The State Through SHO Vikas Puri & Anr., CRL.M.C. 7677/2023* decided on 05.12.2023, wherein the Court quashed an FIR under similar provisions, predicated on a settlement between the parties therein, in the interest of justice.

12. Accordingly, FIR No. 433/2023 dated 27.10.2023 under Sections 323/354/506/509 IPC registered at PS: Kanjhawala is hereby quashed including proceedings emanating therefrom. The genesis of the FIR is a trivial parking dispute which escalated into allegations of outraging the modesty, etc. and only to settle private scores, parties used the Police and the State machinery. Therefore, quashing of the FIR will be subject to payment of costs of Rs.10,000/- each by both the Petitioners and the Complainants, in favour of Delhi High Court Advocates Welfare Trust (Bank Name: UCO Bank, Branch: Delhi High Court, IFSC Code: UCBA0001553, Current A/c No. 15530210002995), within six weeks from today. Proof in support thereof shall be filed with the Registry within one week of payment and in case of failure to comply with the said direction, petition will be listed before Court by the Registry.

13. Petition stands allowed and disposed of in the aforesaid terms.

JYOTI SINGH, J

MARCH 18, 2024/kks