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

+ **CRL.M.C. 2325/2024**

SHYAM LAL & ANR.

..... Petitioners

Through: Mr. Sensar Pal Singh, Advocate with
Petitioners in person.

versus

STATE OF NCT OF DELHI & ORS.

..... Respondents

Through: Ms. Shubhi Gupta, APP for the State
with SI Sudhir Dahiya, PS: Aman Vihar.

Mr. Vinod Kumar Verma, Advocate with
Respondents No. 2 to 4 in person.

+ **CRL.M.C. 2345/2024**

KANCHAN SONI & ORS.

..... Petitioners

Through: Mr. Vinod Kumar Verma, Advocate
with Petitioners in person.

versus

STATE OF NCT OF DELHI & ORS.

..... Respondents

Through: Ms. Shubhi Gupta, APP for the State
with SI Sudhir Dahiya, PS: Aman Vihar.

Mr. Sensar Pal Singh, Advocate with Respondents
No. 2 to 4 in person.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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21.03.2024

CRL.M.A. 8953/2024 (exemption) in CRL.M.C. 2325/2024

CRL.M.A. 8996/2024 (exemption) in CRL.M.C. 2345/2024

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



CRL.M.C. 2325/2024 and CRL.M.C. 2345/2024

1. CRL.M.C. 2325/2024 has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.381/2020 dated 16.08.2020 under Sections 323/308/34 IPC registered at P.S. Aman Vihar including proceedings emanating therefrom. CRL.M.C. 2345/2024 has been filed for quashing FIR No.382/2020 dated 16.08.2020 under Sections 323/308/34 IPC at P.S. Aman Vihar including proceedings emanating therefrom. Both the FIRs are cross-FIRs emanating out of a landlord-tenant dispute between the parties.
2. Case of the prosecution is that Shyam Lal let out his premises on monthly rent to Kanchan Soni for residential purposes in January, 2020. In April, 2020, Kanchan Soni/Complainant in CRL.M.C. 2325/2024 faced financial hardship on account of Pandemic COVID-19 and was unable to pay the rentals. This triggered unwarranted arguments and fights between the two, resulting in cross-FIRs.
3. It is stated in the petition that during the proceedings, with the intervention of family members and friends, all the accused and Complainants have amicably resolved their disputes and misunderstandings and have decided not to pursue the complaints. Terms of settlement have been incorporated in a Settlement Agreement executed on 15.02.2023, copy of which has been placed on record.
4. Issue notice.
5. Learned APP accepts notice on behalf of the State in both the petitions.
6. Mr. Vinod Kumar Verma, learned counsel accepts notice on behalf of Respondents No.2 to 4 in CRL.M.C. 2325/2024 while Mr. Senses Pal Singh, learned counsel accepts notice on behalf of Respondents No.2 to 4 in



CRL.M.C. 2345/2024.

7. Petitioners and Complainants are present in Court and are identified by their respective counsels as well as by Investigating Officer SI Sudhir Dahiya, PS: Aman Vihar. Complainants state that parties have always enjoyed peaceful and cordial relationships and are close relatives. The alleged incidents were triggered by some heated exchange of words relating to the rent of the premises in question and were purely on the spur of the moment. None of the parties had any intent to cause any harm or injury to the other. Since parties want to live peacefully together and ensure that there is no more acrimony, they have decided to amicably settled the disputes and have no objection to the quashing of the FIRs. Learned APP has no objection to the quashing of the FIRs in view of the settlement between the parties as continuing the proceedings will be a futile exercise.

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 ***Shiji alias Pappu and Others v. Radhika and Another***, (2011) 10 SCC 705, considering the exercise of inherent powers by the High Court under Section 482 Cr.P.C. in the context of non-compoundable offence observed that merely because an offence is not compoundable under Section 320 Cr.P.C. is no reason by itself for the High Court to refuse the exercise of its inherent power for quashing an FIR. There is no doubt on the legal proposition that the inherent powers have to be sparingly exercised with great caution and only where the Court comes to a conclusion that there would be manifest injustice or abuse of the process of the Court if the power is not exercised that the Court would quash the proceedings.

11. In the present case, the cross-FIRs were triggered by an argument



between the accused and the Complainants in both the matters, which resulted in a minor scuffle, the genesis being a landlord-tenant dispute. Parties are closely related and in order to maintain cordial relationships have reconciled their differences and executed a Settlement Agreement undertaking not to press the respective complaints. In this view of the matter, it would be futile to continue with the criminal proceedings as the chances of conviction are remote and it would serve the ends of justice if the proceedings are terminated. This Court is fortified in its view by the decisions of this Court in *Pradeep Kumar Jha & Ors. v. State GNCTD & Ors.*, *CRL.M.C. 218/2022*, decided on 17.02.2022 and *Gaya Parsad & Ors. v. The State & Ors.*, *CRL.M.C.4117/2023*, decided on 14.08.2023, where the Courts have quashed FIRs under same provisions, predicated on settlements between the parties, in the interest of justice.

12. Accordingly, FIR No.381/2020 dated 16.08.2020 under Sections 323/308/34 IPC registered at P.S. Aman Vihar and FIR No.382/2020 dated 16.08.2020 registered under Sections 323/308/34 IPC at P.S. Aman Vihar are quashed including proceedings emanating therefrom, subject to the Petitioners in both the petitions paying Rs.10,000/- each in favour of *Senior Citizens Council of Delhi in association with Help Age India*, Mob. No. 9810488059, within a period of eight weeks from today. Proof in support thereof shall be filed with the Registry within 01 week thereafter and in case of failure to comply with the direction, the matters will be listed by the Registry in Court.

13. Petitions stand disposed of in the aforesaid terms.

JYOTI SINGH, J

MARCH 21, 2024/shivam