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

+ CRL.M.C. 1790/2022 & CRL.M.A. 9104/2022

AMIR

..... Petitioner

Through: Mr.Dhananjay Sehrawat,
Mr.Mukul Yadav, Adv. with
petitioner.

versus

STATE (NCT OF DELHI) & ANR. Respondents

Through: Mr.Aman Usman, APP with SI
Sachin
Ms.Akansha Choudhary, Adv.
for R-2 with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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21.03.2024

1. This petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') seeking quashing of FIR No.826/2017 registered at Police Station: Seema Puri, Delhi under Sections 307/34 of the Indian Penal Code, 1860 (in short, 'IPC'), along with all other proceedings arising therefrom, on the basis of a settlement.

2. The learned counsel for the petitioner submits that the petitioner and respondent No.2 were living together in a Live-In-Relationship. They had some quarrel after which the respondent no. 2 left the company of the petitioner and had shifted to her home. The petitioner went to convince the respondent No.2 at her place but in anger, both of them entered in a fight and in that fight, both suffered some simple injuries due to Hair Pins and Jura Pins, and present FIR was registered.



3. The learned counsel for the petitioners submits that the parties have amicably settled all their *inter se* disputes and got married on 08.03.2019 and are happily living together along with their daughters.

4. The respondent no.2, who is present in person and has been duly identified by the Investigating Officer (IO), affirms that she has settled all the disputes with the petitioners out of her own free will and without any coercion. The respondent no.2 submits that the present FIR has been registered due to some misunderstanding and she has no objection if the present FIR is quashed.

5. I have perused the contents of the FIR and also the settlement between the parties.

6. As the disputes between the parties arose out of a relationship, and now the same have been amicably settled and the petitioner no.1 and the respondent no.2 are residing together happily, and also looking into the nature of the allegations made in the complaint, and the fact that the nature of injuries suffered was simple, in my opinion, no useful purpose would be served in keeping the FIR alive. In fact, it would rather create further acrimony between the parties and will be an unnecessary burden on the State exchequer. The continuation of the proceedings would rather act as a hindrance in the happy married life of the petitioner and the respondent no.2.

7. In *Narinder Singh v. State of Punjab*, (2014) 6 SCC 466, the Supreme Court has explained the principles governing the power of the High Court to quash or refuse to quash the proceedings on the



basis of a settlement in cases of a non-compoundable offence, as under:

“29. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:-

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.

29.4. On the other hand, those criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.

29.5. While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.

29.6. Offences under Section 307 IPC would fall in the category of heinous and serious offences and therefore are to be generally treated as crime against the society and not against the individual alone. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to proving the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delegate parts of the body, nature of weapons used, etc. Medical report in respect of injuries suffered by the victim can generally be the guiding factor. On the basis of this prima facie analysis, the High Court can examine as to whether there is a strong possibility of conviction or the chances of conviction are remote and bleak. In the former case it can refuse to accept the settlement and



quash the criminal proceedings whereas in the latter case it would be permissible for the High Court to accept the plea compounding the offence based on complete settlement between the parties. At this stage, the Court can also be swayed by the fact that the settlement between the parties is going to result in harmony between them which may improve their future relationship.

29.7. While deciding whether to exercise its power under Section 482 of the Code or not, timings of settlement play a crucial role. Those cases where the settlement is arrived at immediately after the alleged commission of offence and the matter is still under investigation, the High Court may be liberal in accepting the settlement to quash the criminal proceedings/investigation. It is because of the reason that at this stage the investigation is still on and even the charge-sheet has not been filed. Likewise, those cases where the charge is framed but the evidence is yet to start or the evidence is still at infancy stage, the High Court can show benevolence in exercising its powers favourably, but after prima facie assessment of the circumstances/material mentioned above. On the other hand, where the prosecution evidence is almost complete or after the conclusion of the evidence the matter is at the stage of argument, normally the High Court should refrain from exercising its power under Section 482 of the Code, as in such cases the trial court would be in a position to decide the case finally on merits and to come to a conclusion as to whether the offence under Section 307 IPC is committed or not. Similarly, in those cases where the conviction is already recorded by the trial court and the matter is at the appellate stage before the High Court, mere compromise between the parties would not be a ground to accept the same resulting in acquittal of the offender who has already been convicted by the trial court. Here charge is proved under Section 307 IPC and conviction is already recorded of a heinous



crime and, therefore, there is no question of sparing a convict found guilty of such a crime.”

(Emphasis Supplied)

8. Guided by the principles enunciated by the Supreme Court in its judgments in ***Gian Singh v. State of Punjab***, (2012) 10 SCC 303; ***Parbatbhai Aahir @ Parbatbhai Bhimsinbhai Karmur & Ors. v. State of Gujarat & Ors.***, (2017) 9 SCC 641; and, ***State of Haryana & Ors. v. Bhajan Lal & Ors.***, 1992 Supp (1) SCC 335, this Court deems it appropriate, in the interest of justice, to exercise its inherent powers under Section 482 of the Cr.P.C. to quash the FIR and all the proceedings emanating therefrom.

9. Accordingly, the petition is allowed. FIR No.826/2017 registered at Police Station: Seema Puri, Delhi under Sections 307/34 of the IPC and all consequential proceedings emanating therefrom against the petitioner are quashed, subject to the condition that the petitioner shall deposit costs of Rs.30,000/- with the Delhi State Legal Services Authority within a period of six weeks from today, and file proof of such deposit with the Registry of this Court and also supply a copy thereof to the IO, within the said period.

10. The costs so deposited shall be utilised by the Delhi State Legal Services Authority for providing counselling/psychological support to the Acid Attacks Victims requiring such assistance.

NAVIN CHAWLA, J

MARCH 21, 2024/Arya/RP

[Click here to check corrigendum, if any](#)