



\$~89

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

+ **CRL.M.C. 2631/2024**

SUDHIR CHADHA & ORS.

..... Petitioners

Through: Mr. Bharat Deep Singh, Mr. M. Karthiga and Mr. Dipanshu Tomar, Advocates along with Petitioners in person.

versus

STATE & ORS.

..... Respondents

Through: Ms. Richa Dhawan, APP for State with ASI Harbir Singh, PS: Gandhi Nagar. Respondents No.2 and 3 in person.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

03.04.2024

%

CRL.M.A. 10039/2024 (exemption)

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

CRL.M.C. 2631/2024 & CRL.M.A. 10038/2024 (stay)

3. This petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.81/2024 dated 11.02.2024 under Sections 323/342/506/34 IPC registered at P.S. Gandhi Nagar including proceedings emanating therefrom.
4. As per the case of the prosecution, Respondents No.2 and 3, the complainants are tailors by profession and work from premises bearing No. 4018/Street No. 04, Kausik Puri, Delhi as tenants in the property. Petitioner No.1 M/s Chadha Garments placed orders on Respondents No.2 and 3 and



the accounts were settled between the parties on every weekend depending on the work done. It was alleged in the complaint that in order to settle their accounts, Respondents No.2 and 3 visited the office of Petitioner No.1 on 09.02.2024 at around 03:50 p.m. and during the calculation of the accounts when Respondent No.3 mistakenly calculated 48 pieces of garments instead of 40 pieces, Petitioner No.1 took Respondents No.2 and 3 to the third floor of the side shop and locked them inside the room therein. Later, the associates of Petitioner No.1 along with him assaulted the complainants. In the evening, the complainants managed to free themselves and lodged a complaint against the Petitioners, leading to registration of the present FIR.

5. It is stated in the petition that during the course of proceedings before the Trial Court, Petitioners and Respondents No.2 and 3 have arrived at an amicable settlement of all their disputes and executed a Settlement Deed. Petition is supported by the respective affidavits of the complainants giving no objection to the quashing of the FIR.

6. Issue notice.

7. Learned APP accepts notice on behalf of the State and on instructions from the Investigating Officer ASI Harbir Singh, PS: Gandhi Nagar states that MLC shows that the nature of injury was opined to be 'simple'.

8. Respondents No.2 and 3 are present in Court and accept notice. They are identified by the IO. They state that they have amicably settled the matter and have signed and placed thumb impressions on the settlement recorded in Hindi, out of their own free will and without any pressure or coercion and have no objection if the FIR is quashed. Learned APP has no objection to the quashing of the FIR in view of the settlement between the parties and the nature of injury being 'simple'.



9. 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.

xxx

xxx

xxx

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.

xxx

xxx

xxx

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.”

10. 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.”



11. Parties have reconciled their differences and settled the matter. Injuries on Respondents No.2 and 3 have been opined to be simple in nature. In view of the settlement between the parties and the stand of Respondents No.2 and 3, it would be futile to proceed with the criminal proceedings as the chances of conviction are bleak and remote and it would serve the ends of justice if the criminal proceedings are terminated. This Court is fortified in its view by the decisions of the Co-ordinate Benches of this Court in ***Ranjit Garg & Ors. v. State & Anr., CRL.M.C. 5366/2019***, decided on 18.05.2023 and ***Neeraj & Ors. v. State (Govt. NCT of Delhi) & Anr. Crl.M.C. 4538/2022***, decided on 13.09.2022, where the Courts have quashed FIRs under same provisions, predicated on settlements between the parties, in the interest of justice.

12. Accordingly, FIR No.81/2024 dated 11.02.2024 under Sections 323/342/506/34 IPC registered at P.S. Gandhi Nagar is hereby quashed including proceedings emanating therefrom.

13. Petition is allowed and disposed of along with pending application.

JYOTI SINGH, J

APRIL 3, 2024/kks