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

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+ W.P.(CRL) 1264/2022

ROHIT AND ORS

..... Petitioners

Through: Mr. Prem Sood and Ms. Chethistha,
Advocates along with Petitioners in person.

versus

STATE OF NCT OF DELHI AND ANR

..... Respondents

Through: Ms. Rupali Bandhopadhyaya, ASC
(Crl.) for State with Mr. Abhijeet Kumar,
Advocate along with ASI Kulbir Singh, PS: NIA.
Ms. Swati Rathi and Mr. Rohit Boora, Advocates
for R-2 along with R-2 in person.

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+ W.P.(CRL) 1265/2022

VINAY

..... Petitioner

Through: Ms. Swati Rathi and Mr. Rohit Boora,
Advocates along with Petitioner in person.

versus

THE STATE NCT OF DELHI AND ANR

..... Respondents

Through: Ms. Rupali Bandhopadhyaya, ASC
(Crl.) for State with Mr. Abhijeet Kumar,
Advocate along with ASI Ravinder, PS: NIA.
Mr. Prem Sood and Ms. Chethistha, Advocates for
R-2 along with R-2 in person.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

21.02.2024

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CRL.M.A. 24471/2023 (for amendment in the quashing petition) in
W.P.(CRL) 1265/2022

1. This is an application filed on behalf of the Petitioner under Section



482 Cr.P.C. seeking amendment in the petition to add Section 325 IPC in accordance with the Charge Sheet filed by the State.

2. For the reasons stated in the application, the same is allowed and disposed of permitting the amendment.

3. Amended petition is taken on record.

W.P.(CRL) 1264/2022 & W.P.(CRL) 1265/2022

4. These petitions arise out of cross-FIRs. W.P.(CRL) 1264/2022 has been filed under Article 226 of the Constitution of India read with Section 482 Cr.P.C. seeking quashing of FIR No.346/2021 dated 21.06.2021 under Sections 308/34 IPC registered at PS: Narela Industrial Area including proceedings emanating therefrom. W.P.(CRL) 1265/2022 has been filed under Article 226 of the Constitution of India read with Section 482 Cr.P.C. seeking quashing of FIR No.349/2021 dated 21.06.2021 under Sections 427/323/452/34 IPC registered at PS: Narela Industrial Area including proceedings emanating therefrom. The FIRs were triggered on account of a minor scuffle between the Petitioners and the Complainants emanating out of heated arguments relating to farming issues between them. Parties are related to each other and live close by. In the heat of moment, respective Complainants lodged complaints with the Police resulting in registration of the present FIRs. As per the MLCs conducted in the nearby hospital, the injuries were opined to be 'simple'. As parties are closely related, during the pendency of criminal proceedings, with the intervention of family members, friends and well wishers, they have resolved all their disputes and difference amicably. Settlement Agreement was executed on 12.09.2021, copy of which has been placed on record.

5. Issue notice.



6. Learned ASC accepts notice on behalf of the State.
7. Ms. Swati Rathi, learned counsel accepts notice on behalf of Respondent No.2 in W.P.(CRL) 1264/2022.
8. Mr. Prem Sood, learned counsel accepts notice on behalf of Respondent No.2 in W.P.(CRL) 1265/2022.
9. Complainants are present in Court and have been identified by ASI Ravinder, PS: NIA. Complainants state that since the disputes have been amicably settled and they are closely related to each other, they do not want to proceed with the matter and in order to put a quietus to the litigation and maintaining peace and harmony between them as relatives, they have no objection if the FIRs are quashed.
10. Learned Additional Standing Counsel appearing on behalf of State states that since the matters have been amicably settled between the parties, she has no objection, however, looking at the fact that State machinery has been used for a long time, costs may be imposed on the Petitioners.
11. The Supreme Court has delineated the parameters following which the inherent powers under Section 482 Cr.P.C. must be exercised. It has been affirmed and re-affirmed that the extraordinary powers should be sparingly exercised and with care and caution and can be used to prevent abuse of the process of Court or to secure ends of justice and in each case, it would be dependent on the facts and circumstances that arise. In ***Gian Singh v. State of Punjab and Another, (2012) 10 SCC 303***, the Supreme Court held as follows:-

“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.”

12. In ***B.S. Joshi and Others v. State of Haryana and Another***, (2003) 4 SCC 675, the Supreme Court has observed that Section 320 Cr.P.C. would not be an impediment in quashing non-compoundable offences in exercise of inherent powers under Section 482 Cr.P.C. where the facts and



circumstances of the case call upon the Court to do so in the interest of justice. This Court in *Joginder Basoya @ Judge & Ors. v. The State (NCT of Delhi) & Ors., CRL.M.C. 7443/2023*, decided on 24.11.2023 and *Shri Rajpal Singh & Ors. v. The State (NCT of Delhi) & Anr., CRL.M.C. 3648/2022*, decided on 06.12.2022, has quashed FIRs under the similar provisions.

13. Since the Complainants do not want to pursue the matter, no useful purpose will be served in continuing the proceedings and therefore, in the interest of justice and to prevent abuse of the process of the Court, this Court exercising the inherent powers under Section 482 Cr.P.C. quashes the FIR No.346/2021 dated 21.06.2021 under Sections 308/34 IPC registered at PS: Narela Industrial Area and FIR No.349/2021 dated 21.06.2021 under Sections 427/323/452/34 IPC registered at PS: Narela Industrial Area, including proceedings emanating therefrom, subject to each of the Petitioners depositing a sum of Rs.5,000/- within eight weeks from today in favour of Armed Forces Battle Casualties Welfare Fund (Canara Bank Account No. 90552010165915, South Block, Defence Headquarters, New Delhi – 110011). Proof in support thereof shall be filed with the Registry within one week thereafter and in case of failure to comply with the said direction, petition will be listed before Court by the Registry.

14. Petitions stand disposed of in the aforesaid terms.

JYOTI SINGH, J

FEBRUARY 21, 2024/kks