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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 3143/2024

HARI RAM & ORS.

..... Petitioners

Through: Mr. Rajpal Kasana, Mr.
Vishal Khari, Mr.
Loveneett Bhati and Ms.
Sapna Chaudhary, Advs.
All the petitioners in
person.

versus

STATE GOVT. OF NCT OF DELHI
AND ANR.

..... Respondents

Through: Mr. Pradeep Gahalot, APP
for the State with Ms.
Ritika Juneja, Ms. Pallavi
Jain, Mr. Promil Seth
Mago and Mr. Ankur Tuli,
Advs. with SI Kirandeep
Kour, PS K. M. Pur, Delhi
and SI Deepika, PS Sadar
Bazar.
Mr. Vinod Kumar, Adv.
for the complainant / R-2.
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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28.05.2024

1. The present petition is filed under Section 482 of the Code of Criminal Procedure, 1973 ('CrPC') seeking quashing of FIR No. 266/2022 dated 11.06.2022, registered at Police Station K. M. Pur, for offences punishable under Sections 498A/406/376/377/506/34 of the Indian Penal Code, 1860

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(‘IPC’), including all consequential proceedings arising therefrom. The said FIR was registered on a complaint filed by Respondent No. 2. Chargesheet has been filed for the offences under Sections 498A/406/376/377/506/509/34 of the IPC against Petitioner No.1. Petitioner Nos. 2 and 4 have been charge-sheeted for the offences under Sections 498A/406/354/506/509/34 of the IPC. Petitioner No.3 has been charge-sheeted for the offences under Sections 498A/406/506/509/34 of the IPC.

2. It is averred that the marriage between Petitioner No.3 and Respondent No.2 was solemnized on 15.07.2018 as per Hindu rites and ceremonies. No child was born out of the said wedlock. Thereafter, due to matrimonial discord, some misunderstandings took place between the parties, due to which Petitioner No.3 and Respondent No. 2 started living separately. Other petitioners are the family members of Petitioner No.3.

3. Subsequently, Respondent No.2 made a complaint against the petitioner and his family members, alleging that she was subjected to cruelty by them for dowry. It was also alleged that Petitioner No.1, who is the father of Petitioner No.3 (that is, the father-in-law of Respondent No.2 at that time), used to forcefully establish sexual relations with Respondent No.2. It was also alleged that Petitioner No. 4 (brother of Petitioner No.1) and Petitioner No. 2 (son of Petitioner No.4) forcefully kissed Respondent No.2. The same culminated into the registration of the aforementioned FIR.

4. The present petition is filed on the ground that the matter is amicably settled between the parties by way of Memorandum of Understanding dated 15.07.2022, on their own free will, without any force, coercion, misrepresentation or pressure. Pursuant to



the settlement, Respondent No. 2 and the petitioner have already obtained a decree of divorce by mutual consent, and they intend to live their future lives peacefully.

5. In terms of the settlement dated 15.07.2022, an amount of ₹20,00,000/- already stands paid to Respondent No. 2 and the balance settlement amount of ₹5,00,000/- has been handed over to Respondent No. 2 in Court today in the form of cash.

6. The parties are present before this Court in person and have been duly identified by the Investigating Officer.

7. On being asked, Respondent No.2 states that the complaint was given due to matrimonial acrimony. She states that she has re-married after taking the divorce from Petitioner No. 3 and is living happily at her matrimonial home.

8. She submits that the complaint at that stage was given on advice from her friends. She further states that she has since realized her mistake and the incident as alleged had actually not taken place.

9. She further states that she has no objection if the proceedings arising out of the present FIR are quashed since the pendency of the same is only causing undue harassment and heart burn. She has since forgiven the petitioners and has no grievance against them.

10. Offences under Sections 406/506/509 of the IPC are compoundable whereas offences under Sections 498A/376/377 of the IPC are non-compoundable.

11. It is well settled that the High Court while exercising its powers under Section 482 of the CrPC can compound offences which are non-compoundable under the Code on the ground that there is a compromise between the accused and the complainant.



The Hon'ble Apex Court has laid down parameters and guidelines for High Court while accepting settlement and quashing the proceedings. In the case of ***Narinder Singh & Ors. v. State of Punjab & Anr. : (2014) 6 SCC 466***, the Hon'ble Supreme Court had observed 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 **pr** 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.”

(emphasis supplied)

12. Similarly, in the case of **Parbatbhai Aahir & Ors. v. State of Gujarat & Anr. : (2017) 9 SCC 641**, the Hon'ble Supreme Court had observed as under :-

“16. The broad principles which emerge from the precedents on the subject, may be summarised in the following propositions:

16.1. Section 482 preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court.

16.2. The invocation of the jurisdiction of the High Court to quash a first information report or a criminal proceeding on the ground that a



settlement has been arrived at between the offender and the victim is not the same as the invocation of jurisdiction for the purpose of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of Section 320 of the Code of Criminal Procedure, 1973. The power to quash under Section 482 is attracted even if the offence is non-compoundable.

16.3. In forming an opinion whether a criminal proceeding or complaint should be quashed in exercise of its jurisdiction under Section 482, the High Court must evaluate whether the ends of justice would justify the exercise of the inherent power.

16.4. While the inherent power of the High Court has a wide ambit and plenitude it has to be exercised (i) to secure the ends of justice, or (ii) to prevent an abuse of the process of any court.

16.5. The decision as to whether a complaint or first information report should be quashed on the ground that the offender and victim have settled the dispute, revolves ultimately on the facts and circumstances of each case and no exhaustive elaboration of principles can be formulated.

16.6. In the exercise of the power under Section 482 and while dealing with a plea that the dispute has been settled, the High Court must have due regard to the nature and gravity of the offence. **Heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot appropriately be quashed though the victim or the family of the victim have settled the dispute. Such offences are, truly speaking, not private in nature but have a serious impact upon society. The decision to continue with the trial in such cases is founded on the overriding element of public interest in punishing persons for serious offences.**



16.7. As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing insofar as the exercise of the inherent power to quash is concerned.

16.8. Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute.

16.9. In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice; and

16.10. There is yet an exception to the principle set out in propositions 16.8. and 16.9. above. Economic offences involving the financial and economic well-being of the State have implications which lie beyond the domain of a mere dispute between private disputants. The High Court would be justified in declining to quash where the offender is involved in an activity akin to a financial or economic fraud or misdemeanour. The consequences of the act complained of upon the financial or economic system will weigh in the balance.”

(emphasis supplied)

13. It is not in doubt that the offences under Sections 354/376/377 of the IPC are heinous in nature and involve mental depravity. Such offences cannot be quashed merely because the victim has settled the dispute. Such offences, in true sense, are not private in nature.

14. The allegations of rape against Petitioner No.1, who was the father-in-law of Respondent No.2, are particularly serious in nature. The present case, however, as stated by Respondent No.2,



is an outcome of the matrimonial dispute between Respondent No.2 and Petitioner No.3. Respondent No.2 has also specifically stated that the incident as alleged did not actually occur.

15. A coordinate Bench of this Court, in the case of **Luv Sharma & Ors. V. State & Anr. : CRL.M.C.1603/2021**, while exercising power under Section 482 of CrPC had quashed the FIR registered for offences under Sections 376/377/354/506/509 of the IPC by the complainant against her in-laws on the basis of compromise entered into between the parties. The relevant portion of the said Judgment is reproduced hereunder:

*“4... The present case arises out of a matrimonial dispute. This Court is pained to note that in matrimonial cases, there is an increasing tendency of filing such complaints for an offence under Section 376 IPC against the father-in-law, brother-in-law or any other male member of the family of the husband just to exert pressure on the family of the husband.
5. This Court is exercising its jurisdiction under Section 482 Cr.P.C. to quash the instant FIR in view of the settlement arrived at between the parties and in view of the fact that matrimonial disputes have been settled before the Delhi High Court Mediation & Conciliation Centre and the marriage stands dissolved. Even though there was an allegation of rape against the father-in - law of the complainant, this Court is of the opinion that no useful purpose would be served in continuing with the present proceedings...”*

16. It is an abysmal state of affairs that litigants have resorted to making a mockery of the judicial system by preferring false complaints of such a serious nature to arm twist the other side and gain leverage in matrimonial disputes.

17. However, as noted above, the complainant has since moved on in her life and has remarried. In such circumstances,



the continuation of proceedings would only cause further undue harassment and heartburn to the parties.

18. Keeping in view the nature of dispute and that the parties have amicably entered into a settlement, this Court feels that no useful purpose would be served by keeping the dispute alive and continuance of the proceedings would amount to abuse of the process of Court. I am of the opinion that this is a fit case to exercise discretionary jurisdiction under Section 482 of the CrPC.

19. In view of the above, FIR No. 266/2022 and all consequential proceedings arising therefrom are quashed.

20. The present petition is allowed in the aforesaid terms.

AMIT MAHAJAN, J

MAY 28, 2024

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