



\$~84

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

+ **CRL.M.C. 3180/2024**

MANOJ KUMAR & ANR.

..... Petitioners

Through: Mr. Yudhishter Sharma, Mr. Rajesh Kumar Aggarwal and Mr. Mukesh Sharma, Advocates along with Petitioners in person.

versus

THE STATE NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Digam Singh Dagar, APP for State with SI Sunil Kumar, PS: Prashant Vihar. Ms. Yashoda, Advocate for R-2 along with R-2 in person.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

%

25.04.2024

1. This petition has been filed on behalf of the Petitioners under Section 482 Cr.P.C. for quashing of FIR No. 150/2024 dated 05.04.2024 under Sections 323/341/506/427/34 IPC registered at PS: Prashant Vihar along with proceedings emanating therefrom.
2. Case of the prosecution is that the complainant who works as a guard at Kadambari Apartments, Sector-9, Rohini, filed a complaint that on 04.04.2024, while he was performing his duty at the main gate of the Apartments with his friends Anil and Sachit around 02:45 AM, Monu Ji came in his white colour Swift Car with his wife and since there was a road block in the society, complainant asked him to park his car outside. This annoyed Monu Ji, who then came out of his car and started abusing the



complainant and his friends and picked up a bamboo stick lying nearby to hit them. Fearing for his life, Sachit took out the keys of the car, upon which Monu Ji's wife came out and started hitting them with another stick. In the process, complainant suffered an injury in his left hand and left leg. After the Police was called, complainant was taken for a medical examination and the complaint was lodged resulting in registration of the present FIR.

3. During the pendency of the proceedings, Petitioners and the complainant have amicably settled all their disputes. Memorandum of Understanding was executed on 13.04.2024 whereby it was agreed that Respondent No.2 will not pursue his complaint. Respondent No.2 has filed an affidavit in support of the petition giving his no objection to the quashing of the FIR.

4. Issue notice.

5. Learned APP accepts notice on behalf of the State.

6. Ms. Yashoda, learned counsel accepts notice on behalf of Respondent No.2.

7. Petitioners and Respondent No. 2 are present in Court and are identified by their respective counsels as well as by the Investigating Officer SI Sunil Kumar, PS: Prashant Vihar. Complainant submits that he has settled all his disputes and therefore, in the interest of justice FIR be quashed so that peace and harmony continues between the parties. Learned APP states that he has no objection to the quashing of the FIR, in view of the settlement between the parties.

8. The Supreme Court in ***Gian Singh v. State of Punjab and Another, (2012) 10 SCC 303***, observed that while exercising inherent powers under Section 482 Cr.P.C. in respect of quashing of an FIR where parties have



entered into amicable resolution of the disputes, one of the considerations would be whether it would be unfair or contrary to the interest of justice to continue the criminal proceedings despite the compromise and if the answer to the question is in the affirmative, the High Court would be well within its jurisdiction to quash the criminal proceedings, in order to ensure that the disputes are put to an end and peace is restored as securing the ends of justice is the ultimate guiding factor. This was of-course with a caveat that heinous and serious offences of mental depravity or offences like murder, dacoity etc. cannot be fittingly quashed even though the victim or the victim's family settles the disputes with the offender. Relevant paragraphs of the judgment 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



predominantly 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. This Court in ***Laishram Premila Devi and Others v. State and Others, 2021 SCC OnLine Del 1323*** while dealing with two petitions for quashing of FIRs under Sections 509/506/323/341/354/354A and 34 IPC quashed the FIRs on the ground that the complainant had amicably settled the matter with the Petitioners out of her own free will and it would be an abuse of the process of law if the legal proceedings continue.

10. In view of the observations of the Supreme Court in the aforementioned judgments, this Court finds no impediment in quashing the present FIR as the parties have amicably resolved their disputes. Since Complainant categorically states that he does not wish to pursue the criminal proceedings, chances of conviction are bleak and no purpose will be achieved even otherwise in continuing the proceedings. It would be in the interest of justice and to maintain peace and harmony between the parties to quash the present FIRs. This Court is fortified in its view by the decisions of



this Court in *Preeti & Ors. v. State of NCT of Delhi & Anr.*, *CRL.M.C.6834/2022*, decided on 16.12.2022 and *Parminder @ Dhillu Ors v. The State (Govt. of NCT of Delhi) & Ors.*, *W.P.(CRL) 1951/2021*, decided on 10.12.2021, where the Courts have quashed the FIRs under similar provisions, predicated on settlements between the parties therein.

11. Accordingly, FIR No. 150/2024 dated 05.04.2024 under Sections 323/341/506/427/34 IPC registered at PS: Prashant Vihar is quashed including proceedings emanating therefrom, subject to payment of costs of Rs.10,000/- by each Petitioner in favour of KILKARI Home for Girls, Near Senior Secondary Girls School, Chabiganj, Old NCC Building, Kashmere Gate, Delhi-110006 (Ms. Sadiya, Mobile No. 9140513688), within 12 weeks from today. 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, petitions will be listed before Court by the Registry.

12. Petition stands allowed and disposed of.

JYOTI SINGH, J

APRIL 25, 2024/kks