



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

% **Reserved on : 03.11.2023**
Pronounced on : 30.01.2024

+ **W.P.(CRL) 1995/2023**

VISHAL SRIVASTAVA AND OTHERS Petitioners

Through: Mr. Sumit Bansal, Mr. Aditya Bakshi,
Mr. Pankaj Gupta and Mr. Udaibir
Singh Kochar, Advocates.

versus

STATE OF NCT OF DELHI AND OTHERS Respondents

Through: Ms. Nandita Rao, ASC for the State
with Ms. Anuka Bechawat, Advocate
with SI Ram Kumar.
Ms. Somya Singh, Advocate for
respondent no. 2 & 3 (through VC)

CORAM:
HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

J U D G M E N T

RAJNISH BHATNAGAR, J.

1. The present petition has been filed under section 482 Cr.P.C seeking quashing of FIR 224/2023 under sections 419/354(A)/509/504/34 IPC registered at Police Station Kalkaji, New Delhi and all proceedings emanating there from, on the basis of settlement arrived at between the parties.
2. It is submitted by the counsel for the petitioner that during the course of time, the matter has been amicably settled between the parties and terms of the settlement have been incorporated in settlement deed dated



04.07.2023

3. Petitioners and respondent no.3 are present in court and have been identified by the Investigating Officer. Respondent No. 3 states that since the matter has been amicably settled between the parties, she has no objection if the FIR in question is quashed. In view of the settlement between the parties, learned APP for the state also has no objection if the present FIR is quashed

4. I have heard the counsels for the parties, learned APP for the state and perused the documents on record. Power of the court to quash criminal proceedings have been discussed by the Hon'ble Supreme Court in a number of judgements. However, the exercise of this power depends on facts and circumstances of each case. The Supreme Court in ***Gian Singh v. State of Punjab and Another (2012) 10 SCC 303***, 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.”

5. In view of the facts and circumstances of this case and the fact that parties have settled the matter amicably, this court is of the view that no



useful purpose will be solved by continuing the proceedings. Therefore in the interest of justice and in order to maintain peace and harmony between the parties as well as keeping in view the observations laid down by the Supreme Court in *Gian Singh v. State of Punjab and Another (2012) 10 SCC 303*, the petition is allowed, subject to costs of ₹25,000/- to be deposited by the petitioners with the Delhi High Court Legal Services Committee within two weeks from today. Upon placing on record the proof of deposit of costs within two weeks thereafter and handing over its copy to the Investigating Officer, FIR No. 224/2023 under sections 419/354(A)/504/509/34 IPC registered at Police Station Kalkaji is quashed,

6. The petition stands disposed of in the aforesaid terms.

RAJNISH BHATNAGAR, J

JANUARY 30, 2024/ib