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

+ **CRL.M.C. 3996/2024**

SH RAHUL YADAV & ORS.

.....Petitioners

Through: Mr. Deepak (D/11264/2021) and Mr.
Amit Kumar (D/1369/2019),
Advocates.

versus

THE STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Shoaib Haider, APP for the State.
Mr. Dev Rat Pradhan (D/2146/2014),
Advocate for Respondent
No.2/Complainant along with
Respondent No.2/Complainant in
person.
SI Salender Singh (D-4459), PS
Jaffarpur Kalan, New Delhi.
SI Satish Kumar (D-523)

+ **CRL.M.C. 4010/2024**

SH BIJENDER & ORS.

.....Petitioners

Through: Mr. Deepak (D/11264/2021) and Mr.
Amit Kumar (D/1369/2019),
Advocates.

versus

THE STATE THROUGH SHO & ANR.

.....Respondents

Through: Mr. Shoaib Haider, APP for the State.
Mr. Dev Rat Pradhan (D/2146/2014),
Advocate for Respondent
No.2/Complainant along with
Respondent No.2/Complainant in
person.
SI Salender Singh (D-4459), PS
Jaffarpur Kalan, New Delhi.



SI Satish Kumar (D-523)

CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER
06.08.2024

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1. CRL.M.C. 3996/2024 has been filed by the Petitioners for quashing FIR No.284/2014 dated 08.11.2014, registered at Police Station Jaffarpur Kalan for offences punishable under Sections 323/325/354B/356/379/34 IPC. It is alleged in the FIR that the Respondent No.2/complainant and his family members was abused and beaten up by the Petitioners and, therefore, on the complaint of Respondent No.2/complainant, the present FIR has been registered against the Petitioners. The contents of FIR are not being repeated here.

2. CRL.M.C. 4010/2024 has been filed by the Petitioners for quashing FIR No.34/2015 dated 11.02.2015, registered at Police Station Jaffarpur Kalan for offences punishable under Sections 323/354/354B/356/379/451/34 IPC. It is alleged in the FIR that the Petitioners entered the plot of the complainant and destroyed the wall around the plot and when the complainant tried to stop them, the complainant was beaten up by the Petitioners and, therefore, on the complaint of Respondent No.2/complainant, the present FIR has been registered against the Petitioners. The contents of FIR are not being repeated here.

3. A perusal of the above two FIRs reveals that these are all cross complaints. It is stated that the Parties have entered into a Memorandum of Understanding (MoU) on 19.01.2023. A copy of the said Memorandum of Understanding (MoU) on 19.01.2023 has been annexed with the present petition as Annexure-C. In terms of the MoU dated 19.01.2023, the parties

CRL.M.C. 3996/2024 etc.

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have settled all their disputes and have decided to live peacefully.

4. The power of the High Courts to quash FIRs while exercising its powers under Section 482 Cr.P.C even for offences which are not compoundable under Cr.P.C. has been settled in a number of judgments. In Gian Singh v. State of Punjab & Anr., reported as **(2012) 10 SCC 303**, the Supreme Court has observed as under:

"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 proceedings."

5. The Petitioners and the Respondent No.2/complainant in both the petitions are present in Court today. The Petitioners in both the petitions have been identified by their Counsel and the Investigating Officer. The Respondent No.2/complainants in both the petitions have been identified by their Counsel and the Investigating Officer. The Respondent No.2/complainant in both the petitions, who are present in Court today, state that they have settled all the disputes with the Petitioners out of their own



free will, without pressure, coercion or undue influence and do not want to pursue the present case any further and request that the present FIRs and the proceedings emanating therefrom may be quashed. The parties undertake that they will remain bound by the terms of the settlement arrived at between them and the proceedings recorded before this Court.

6. In view of the fact that cross complaints have been filed by the parties and now they have sought to get the FIRs quashed on the basis of Memorandum of Understanding (MoU) arrived at between them and in view of the law laid down by the Supreme Court in Gian Singh vs. State of Punjab, (2012) 10 SCC 303, this Court is inclined to exercise its jurisdiction under Section 482 Cr.P.C to quash the FIRs so that both the Parties can live together in peace and harmony. Accordingly, FIR No.284/2014 dated 08.11.2014, registered at Police Station Jaffarpur Kalan for offences punishable under Sections 323/325/354B/356/379/34 IPC and the FIR No.34/2015 dated 11.02.2015, registered at Police Station Jaffarpur Kalan for offences punishable under Sections 323/354/354B/356/379/451/34 IPC and all the proceedings emanating therefrom are hereby quashed.

7. The petitions stand disposed of in the above terms, along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

AUGUST 06, 2024

S. Zakir