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

+ CRL.M.C. 4498/2024

SHAH ALAM @ SELAM AND ORS.Petitioners

Through: Mr. M.K. Perwez, Adv. with
petitioners.

versus

THE STATE N.C.T. OF DELHI AND ANR.Respondents

Through: Ms. Priyanka Dalal, APP for the State
with SI Mahendra Patel, PS Narela.
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

05.09.2024

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1. This petition has been filed by the Petitioners under Section 482 Cr.P.C. for quashing of FIR No.369/2016 dated 09.05.2016, registered under Sections 308/341/34 IPC at PS Narela and the proceedings emanating therefrom. Charge Sheet has been filed in the present matter and Section 323 IPC was added.
2. Learned counsel submits that the parties have entered into the settlement voluntarily without any fear, force or coercion.
3. The complainant No.2 is present with his counsel and submits that the parties are resident of the same locality and they have decided to settle the matter.
4. Learned APP for the State has opposed the quashing on the ground that the respondent No.2 had suffered the serious injuries on the head.
5. Learned counsel for the petitioners submit that both the parties have



amicably resolved all their disputes with the help and intervention of well-wishers and common friends. The parties have compromised the matter vide compromise deed dated 14.03.2024 on the following terms and conditions:

- 1. That the first party and the second party due to intervention of the respectable of the society and some common persons, ultimately compromised the matter between them.*
 - 2. That the first party shall duly withdraw all her pending cases which have been filed against the second parties before the competent court of law.*
 - 3. That the first party has settled all her claims and grievances against the second party taking into consideration, the settlement and the party undertakes that she shall co-operate in quashing of the FIR before the Hon'ble High court of Delhi at New Delhi and in view of this statement, both the parties have agreed to move a petition U/s 482 Cr. P.C. for quashing of the present FIR.*
 - 4. That this compromise has been made between the parties with their own sweet free will without us of any coercion or force from outside thereafter nothing shall remain due from second party/accused person to the first party.*
6. Under the circumstances and looking to the decision of the Supreme Court in the case of **Gian Singh Vs. State of Punjab and Another** (2012) 10 SCC 303, wherein the Apex Court has referred to a number of matters for the proposition that even a non-compoundable offence can also be quashed on the ground of a settlement agreement between the offender and the victim, if the circumstances so warrant; by observing as under:

“58.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.”

7. While recognizing the need of amicable resolution of disputes in cases like the instant one, the aforesaid dictum has been affirmed by the Apex Court in **Narinder Singh & Ors. Vs. State of Punjab & Anr.** 2014 6 SCC 466. The *inter-alia* held 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 private 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.”

8. The High Court's inherent powers should be used to prevent abuse of the law and to secure justice. Respondent no. 2 agreed to the quashing of the FIR in question and said that the matter was settled on his own free choice. Since the dispute has been settled, continuing the legal processes between the parties would cause an unnecessary use of state machinery and courts. Therefore, this Court believes that this is an appropriate matter to exercise jurisdiction under Section 482 Cr.P.C. to prevent abuse of the legal process and to secure the goals of justice.
9. It is settled law that the inherent power of the High Court under Section 482 Cr.P.C. should be used sparingly. The Apex Court in the case of ***State of Maharashtra through CBI v. Vikram Anatrai Doshi*** and in the case of ***Inder Singh Goswami v. State of Uttaranchal*** has



observed that powers under Section 482 Cr.P.C. must be exercised sparingly, carefully and with great caution. Only when the Court comes to the conclusion that there would be manifest injustice or there would be abuse of the process of the Court if such power is not exercised, Court would quash the proceedings.

10.10. It is well established law that the High Court should not hesitate to quash proceedings if it is persuaded that the offences are solely personal in nature and do not, therefore, affect public peace or tranquillity, and if it believes that quashing the proceedings due to compromise would secure the ends of justice and bring about peace. In these situations, it would be pointless to pursue legal action. Non-compoundable offences are basically an obstruction in entering into compromise. In certain cases, the main offence is compoundable but the connected offences are not. In the case of ***B.S. Joshi v. State of Haryana*** (2003) 4 SCC 675 the Apex Court observed that even though the provisions of Section 320 Cr.P.C. would not apply to such offences which are not compoundable, it did not limit or affect the powers under Section 482 Cr.P.C. The Apex Court laid down that if for the purpose of securing the ends of justice, quashing of FIR becomes necessary, section 320 Cr.P.C. would not be a bar to the exercise of power of quashing. In the nutshell, the Hon'ble Apex Court justified the exercise of powers under Section 482 Cr.P.C. to quash the proceedings to secure the ends of justice in view of the special facts and circumstances of the case, even where the offences were non-compoundable.



11. All the parties are present in court and have duly been identified by the IO. Respondent no. 2 submits that he has entered the settlement voluntarily without any fear, force or coercion. He submits he has no objection if FIR No.369/2016 dated 09.05.2016, registered under Sections 308/323/341/34 IPC at PS Narela and all the proceedings emanating therefrom.
12. Taking into account the totality of facts and circumstances of the case, this court considers that the parties have entered into an amicable settlement out of their own free will, without any fear, force or coercion, no purpose will be served in continuing with the trial.
13. In view of the above, FIR No.369/2016 dated 09.05.2016, registered under Sections 308/323/341/34 IPC at PS Narela and all the other proceedings emanating therefrom are quashed.
14. The present petition along with the pending applications, if any, stands disposed of.

DINESH KUMAR SHARMA, J

SEPTEMBER 5, 2024

Pallavi/HT