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

+ **CRL.M.C. 4793/2019**

KRISHNA DEVI

.....Petitioner

Through: Mr. Amit Kumar & Ms.
Khushboo Sharma, Advs.
along with petitioner in
person.

versus

STATE (GOVT. OF NCVT OF DELHI) & ANR.

.....Respondents

Through: Mr. Naresh Kumar
Chahar, APP for the State.
SI Krishan Kumar, PS
Bawana.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

03.10.2024

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1. The present petition is filed seeking quashing of FIR No. 832/2014 dated 15.10.2014, for offences under Sections 420/468/471 of the Indian Penal Code, 1860 ('IPC'), registered at Police Station Bawana, including all consequential proceedings arising therefrom.

2. The FIR was registered on a complaint filed by Respondent No. 2 alleging that he had found out through a source that his property was registered in the name of one Pankaj Jain in the Sub-Registrar's record. Respondent No.2 apprehended that someone falsely impersonated him to transfer the property. It was alleged that when Respondent No.2 went to the property, he was threatened by the persons standing there. During investigation, it was found that an electric meter was installed on the property in the name of the petitioner based on certain notarised documents

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allegedly executed by Respondent No.2 in favour of the petitioner. It was also found that the documents by way of which the property was sold to Pankaj Jain were forged.

3. Chargesheet was filed against the petitioner for the offences under Sections 420/467/468/471/120B of the IPC.

4. The learned counsel for the petitioner submits that the petitioner had approached this Court for grant of regular bail wherein the matter was referred to Delhi High Court Mediation and Conciliation Centre to explore the possibility of amicable settlement. He submits that the civil suit instituted by Respondent No.2 against the Petitioner was also referred to mediation *vide* order dated 18.05.2016, passed by the learned Senior Civil Judge.

5. He submits that the matter has since been settled between the parties. He further submits that the petitioner was thereafter also granted bail *vide* order dated 07.09.2016, in BAIL APPLN. 2056/2015, observing that the matter had been amicably settled between the parties.

6. He submits that a joint statement was also recorded by the parties before the learned Trial Court on 16.12.2016 that they would be approaching this Court for quashing of the present proceedings as well.

7. The present petition is filed on the ground that the matter is amicably settled between the parties with the intervention of the Delhi High Court Mediation and Conciliation Centre and a Settlement Agreement dated 14.07.2016 has been signed by the parties to that effect, on their own free will, without any fear, force, coercion, or undue influence.

8. The petitioner is present in person and has been duly identified by the Investigating Officer.

9. Notices have been issued to Respondent No. 2 on multiple



occasions, however, he has refused to take service of notice. The same was noted by this Court on 14.08.2024 and the matter was therefore proceeded *ex parte*.

10. The learned counsel for the petitioner submits that petitioner has complied with all the terms and conditions of the Settlement Agreement dated 14.07.2016.

11. Offence under Section 420 of the IPC is compoundable whereas offences under Sections 467/468/471 of the IPC are non-compoundable.

12. It is well settled that the High Court while exercising its powers under Section 482 of the Code of Criminal Procedure, 1973 ('CrPC') can quash 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 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.

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)



13. 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)

14. In the present case, even though the complainant/ Respondent No.2 has failed to appear before this Court, however, the duly signed Settlement Agreement arrived before the Delhi High Court Mediation and Conciliation Centre has been placed on record. The fact of settlement has also been duly recorded in two judicial orders in separate proceedings. This Court in the cases of *Sanjay Ahuja & Ors v. State NCT of Delhi : Crl.M.C. 2605/2021* and *Shri Suresh Kumr & Anr. v. State (NCT of Delhi) & Ors. : Crl.M.C. 3340/2021* had quashed the proceedings against the accused taking into consideration the settlement between the parties even though the complainant was not cooperating in quashing the FIR.

15. In view of the aforesaid discussion, considering the nature of dispute and that the parties had amicably entered 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.

16. However, keeping in mind the fact that the charge sheet has been filed and the State machinery has been put to motion, ends of justice would be served if the petitioner is put to cost.

17. In view of the above, FIR No. 832/2014 and all consequential proceedings arising therefrom are quashed, subject to payment of cost of ₹30,000/- by the petitioner, to be deposited with the Delhi Police Welfare Society, within a period of twelve weeks from date.



18. Let the proof of deposit of cost be submitted with the concerned IO/SHO.
19. The present petition is allowed in the aforesaid terms.

AMIT MAHAJAN, J

OCTOBER 3, 2024
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