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

+ **CRL.M.C. 5547/2019**

KAMLESH & ANR.

.....Petitioners

Through: Mr. Hirein Sharma and
Ms. Meena Chaudhary
Sharma, Advs.
P-1 (through VC)
P-2 in person.

versus

STATE & ANR.

.....Respondents

Through: Mr. Ajay Vikram Singh,
APP for the State with SI
Jitendra Yadav, PS Mohan
Garden.
R-2 in person.

+ **CRL.M.C. 5558/2019**

SHIVANI & ORS.

.....Petitioners

Through: Mr. Saurabh Goel and Mr.
Tushar Ahuja, Advs.
All the petitioners in
person.

versus

STATE & ANR.

.....Respondents

Through: Mr. Ajay Vikram Singh,
APP for the State with SI
Durgesh, PS Dwarka
North.
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

02.08.2024

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1. The present petitions are filed seeking quashing of FIR No. 308/2019 dated 29.07.2019 registered at Police Station Mohan Garden for offences under Sections 6/12 of the Protection of

CRL.M.C. 5547/2019 and CRL.M.C. 5558/2019

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Children from Sexual Offences Act, 2012 (**‘POCSO Act’**), Sections 354(C)/354(D)/342/498A/406/323/328/506/384/34 of the Indian Penal Code, 1860 (**‘IPC’**) and Section 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (**‘SC & ST Act’**) and cross-FIR No. 284/2019 dated 30.07.2019, registered at Police Station Dwarka North for offences under Sections 306/34 of the IPC.

2. FIR No. 308/2019 was registered on a complaint filed by one Ms. Shivani (Respondent No. 2 in CRL.M.C. 5547/2019), and FIR No. 284/2019 was registered on a complaint filed by Mr. Raj Singh (Respondent No. 2 in CRL.M.C. 5558/2019).

3. It is alleged that Respondent No. 2 in CRL.M.C. 5547/2019, and the deceased one Mr. Chirag, met in the year 2016, and out of love, married each other on 06.04.2018. It is alleged that the parents of Respondent No. 2, not being happy with the union, constantly instigated her to pick fights with Chirag. It is alleged that thereafter, the parents of Respondent No. 2 filed a false complaint against Chirag, and demanded money to settle the dispute. It is alleged that owing to the complaints filed at the behest of Respondent No. 2 and her parents, Chirag subsequently committed suicide.

4. The affidavit has been filed on behalf of the complainant in FIR No. 308/2019, deposing that the complaint was filed due to anguish, misunderstandings and in the heat of passion due to certain disputes with the late husband.

5. It is apparent that the dispute essentially was a matrimonial dispute between the complainant and late Mr. Chirag Deswal, who committed suicide on 25.07.2019.

6. Pursuant to the suicide being committed by the husband of



Respondent No. 2 in CRL.M.C. 5547/2019, the FIR No. 308/2019 was registered at the instance of the Respondent No. 2 in CRL.M.C. 5547/2019 and FIR No. 284/2019 was registered at the instance of the parents of the deceased.

7. The parties have since resolved their disputes and have agreed that they would cooperate in the proceedings in relation to quashing of both the FIRs. The parties have since moved on in life.

8. It is apparent that the FIRs were registered out of the disputes which would have occurred during the pendency of the marriage of Respondent No. 2 with the deceased.

9. The present petition is filed on the ground that the parties have amicably settled all their disputes by way of Memorandum of Understanding dated 11.09.2019, of their own will, without any pressure, fraud or coercion.

10. The parties are present in person in Court except Petitioner No. 1 in CRL.M.C. 5547/2019, who has joined the proceedings through video conferencing. The parties have been duly identified by the Investigating Officer.

11. The parties state that they have resolved all their disputes and they have no objection if the proceedings arising out of the present cross-FIRs are quashed.

12. Offences under Sections 342/406/408/323/506 of the IPC are compoundable whereas offences under Sections 354(C)/354(D)/498A/328/384 of the IPC, Sections 6/12 of the POCSO Act and Section 3(2)(v) of the SC & ST Act are non-compoundable.

13. It is well settled that the High Court while exercising its powers under Section 482 of the CrPC can compound 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)

14. 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)

15. From the perusal of the record and the statements of the parties, it is apparent that FIR No. 308/2019 was registered at the instance of the complainant out of anguish. The husband of the complainant, who is also the son of the complainants in FIR No. 284/2019, had unfortunately committed a suicide. It appears that this led to anguish in the wife and the parents of the deceased. The parents of the deceased alleged that the deceased committed



suicide on being instigated by his wife.

16. The parties have decided to move on in life and live peacefully in future.

17. Looking at the relationship between the parties and the reason which instigated the parties to file complaints against each other, this Court is of the opinion that the pendency of the proceedings in the present FIRs would only cause heartburn and would lead ill will to fester. It is also significant to note that the allegations in regard to the offences under the POCSO Act were essentially made against the deceased.

18. Thus, keeping in view the nature of the dispute and that the parties have amicably resolved their differences, this Court feels that no purpose would be served by keeping the disputes 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.

19. In view of the above, cross-FIR Nos. 308/2019 and FIR No. 284/2019 and all consequential proceedings arising therefrom are quashed.

20. The present petitions are allowed in the aforesaid terms.

21. A copy of this order be placed in both the matters.

AMIT MAHAJAN, J

AUGUST 2, 2024

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