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

+ **W.P.(CRL) 2204/2024**

YASHWANTI DEVI

.....Petitioner

Through: Mr. J.P. Singh, Mr. Himanshu Sihag,
Advts.

versus

THE STATE NCT OF DELHI AND ORS.Respondents

Through: Mr. Amol Sinha, ASC with SI Anoop
Singh, PS Begumpur

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

06.11.2024

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1. The present petition has been filed seeking quashing of FIR No.6/2010 registered at PS Begumpur under Sections 457/448/380/34 IPC on the basis of settlement.
2. Learned Counsel for the petitioner states that the alleged FIR was registered against the petitioner on the basis of complaint filed by the respondent No. 2 & 3. However, during the pendency of the proceedings, it has transpired that the parties have settled the entire dispute. It has been stated that the FIR was recorded due to misimpression and confusion. In view thereof, it has been submitted that FIR No.6/2010 registered at PS Begumpur under Sections 457/448/380/34 IPC and all the proceedings emanating therefrom are liable to be quashed.



3. I have pursued the record. The parties have entered into the settlement vide Settlement Agreement dated 20.02.2019 on following terms and conditions;

The expression of the first party and the second party both shall have mean themselves and include their legal heirs, successors, representatives and assigns.

And whereas all disputes against ENTIRE BUILT-UP PLOT NO. 578, LAND AREA MEASURING 134 SQ. YDS., OUT OF KHASRA NO. 79/20, SITUATED IN THE AREA OF VILL. KARALA, AND COLONY KNOWN AS TIRTHANKAR NAGAR, JAIN COLONY, DELHI-110081, has finished by the both parties, and mutual settlement has been done between both the parties.

And whereas a Police Case or Court Case are running against the first party for above said property, now both the party have been mutual agreed to solve the said dispute or cases before the Hon'ble Court without any pressure or compulsion from others.

And both the parties don't want any legal action against each other personally or against And whereas both the parties cannot take any legal action against the above said property in future.

And whereas the first party shall have no right or concerned with the above said property and the first party shall not show any ownership right against the above said property and the second party shall have full right to use the said property in any manner as he likes.

4. The inherent power under Section 482 Cr.P.C. is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guidance engrafted in such power viz.: (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court. In the case of ***Gian Singh v. State of Punjab*** (2012) 10 SCC 303, the Supreme Court has observed that in the exercise of its inherent power under



Section 482, the High Court can quash FIR/Charge-sheet on the basis of alleged settlement except in cases of rape, murder, dacoity or the cases under the Special Statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc.

5. It has also been repeatedly held that 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. Reliance can be placed upon ***Madhavrao Jiwajirao Scindia v. Sambhajirao Chandrojiroo Angre***, (1988) 1 SCC 692.
6. All the parties are present in court and have duly been identified by IO. They state that they have no grievance against the each other and that the matter has been settled voluntarily without any fear, force or coercion.
7. In view of the above, it appears that the complainant is not going to support the case of the prosecution and the possibility of conviction is remote and bleak. In view of the matter, the continuation of the criminal proceedings would be an exercise in futility and it is an abuse of the process of the court. There would no purpose in continuing with the present proceedings and accordingly, t FIR No.6/2010 registered at PS Begumpur under Sections 457/448/380/34 IPC and all the other proceedings emanating therefrom are quashed.



8. The present petition along with pending applications stands disposed of.

DINESH KUMAR SHARMA, J

NOVEMBER 6, 2024

Pallavi/smg