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

+ CRL.M.C. 8128/2023

SHRI DHAN PRAKASH & ORS.

..... Petitioners

Through: Mr.Jainendra Maldahiyar, Advocate with
petitioners in person

versus

THE STATE OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Laksh Khanna, APP for State with
ACP Yogesh Malhotra and Insp. Ajay
Mr.Gyanendra Kumar, Advocate for respondent
No.2 with respondent No.2 in person

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
21.02.2024

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1. The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.365/2022 registered under Section 3(1)(r)(s) of the Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989 at P.S. Okhla Industrial Area, New Delhi, on the ground that the parties have amicably settled their disputes.
2. As per the allegations levelled in the FIR, 'casteist remarks' were uttered by the petitioners against respondent No.2.
3. Learned counsel for the petitioners submits that the parties are known to each other being employed in the same place and that they have been able to resolve their disputes vide Settlement Deed/MoU dated 27.10.2023. In terms of the settlement, respondent No.2 is now left with no claim



whatsoever against the present petitioners.

On merits, learned counsel for the petitioners submits that respondent No.2, in his initial statement, had alleged that casteist remarks were uttered in the presence of one *Bablu Kumar*, the only public witness. However, during the investigation, *Bablu Kumar* denied the occurrence of any such incident in his presence. In the absence of any other public witness, a cancellation report came to be filed on 07.06.2022 before the concerned court. The complainant filed a protest petition consequent to which further investigation was directed. At that stage, the complainant introduced two more persons as witnesses namely, *Sita Ram Gupta* and *Md. Mustkeem* as the public witnesses in whose presence, the casteist remarks were uttered. After the said investigation, the chargesheet came to be filed. Subsequently, the complainant preferred an application praying that the earlier cancellation report filed by the Investigation Officer be accepted. The matter is statedly pending for consideration of the aforesaid application. He has further placed reliance on the decision of the Supreme Court in Ramawatar v. State of Madhya Pradesh reported as **2021 SCC OnLine SC 966**. In the said judgment, the Supreme Court was seized with an appeal where post-conviction, the parties had entered into a settlement in a case arising out of SC/ST Act. The relevant extract is reproduced as under:-

“17. On the other hand, where it appears to the Court that the offence in question, although covered under the SC/ST Act, is primarily private or civil in nature, or where the alleged offence has not been committed on account of the caste of the victim, or where the continuation of the legal proceedings would be an abuse of the process of law, the Court can exercise its powers to quash the proceedings. On similar lines, when considering a prayer for quashing on the



basis of a compromise/settlement, if the Court is satisfied that the underlying objective of the Act would not be contravened or diminished even if the felony in question goes unpunished, the mere fact that the offence is covered under a 'special statute' would not refrain this Court or the High Court, from exercising their respective powers under Article 142 of the Constitution or Section 482 Cr.P.C.

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19. We may hasten to add that in cases such as the present, the Courts ought to be even more vigilant to ensure that the complainant-victim has entered into the compromise on the volition of his/her free will and not on account of any duress. It cannot be understated that since members of the Scheduled Caste and Scheduled Tribe belong to the weaker sections of our country, they are more prone to acts of coercion, and therefore ought to be accorded a higher level of protection. If the Courts find even a hint of compulsion or force, no relief can be given to the accused party. What factors the Courts should consider, would depend on the facts and circumstances of each case.

20. Having considered the peculiar facts and circumstances of the present case in light of the afore-stated principles, as well as having meditated on the application for compromise, we are inclined to invoke the powers under Article 142 and quash the instant Criminal proceedings with the sole objective of doing complete justice between the parties before us. We say so for the reasons that:

***Firstly**, the very purpose behind Section 3(1)(x) of the SC/ST is to deter caste-based insults and intimidations when they are used with the intention of demeaning a victim on account of he/she belonging to the Scheduled Caste/ Scheduled Tribe community. In the present case, the record manifests that there was an undeniable pre-existing civil dispute between the parties. The case of the Appellant, from the very beginning, has been that the alleged abuses were uttered solely on account of frustration and anger over the pending dispute. Thus, the*



genesis of the deprecated incident was the afore-stated civil/property dispute. Considering this aspect, we are of the opinion that it would not be incorrect to categorise the occurrence as one being overarchingly private in nature, having only subtle undertones of criminality, even though the provisions of a special statute have been attracted in the present case.

Secondly, the offence in question, for which the Appellant has been convicted, does not appear to exhibit his mental depravity. The aim of the SC/ST Act is to protect members of the downtrodden classes from atrocious acts of the upper strata of the society. It appears to us that although the Appellant may not belong to the same caste as the Complainant, he too belongs to the relatively weaker/backward section of the society and is certainly not in any better economic or social position when compared to the victim. Despite the rampant prevalence of segregation in Indian villages whereby members of the Scheduled Caste and Scheduled Tribe community are forced to restrict their quarters only to certain areas, it is seen that in the present case, the Appellant and the Complainant lived in adjoining houses. Therefore, keeping in mind the socio-economic status of the Appellant, we are of the opinion that the overriding objective of the SC/ST Act would not be overwhelmed if the present proceedings are quashed.

Thirdly, the incident occurred way back in the year 1994. Nothing on record indicates that either before or after the purported compromise, any untoward incident had transpired between the parties. The State Counsel has also not brought to our attention any other occurrence that would lead us to believe that the Appellant is either a repeat offender or is unremorseful about what transpired.

Fourthly, the Complainant has, on her own free will, without any compulsion, entered into a compromise and wishes to drop the present criminal proceedings against the accused.

Fifthly, given the nature of the offence, it is immaterial that the trial against the Appellant had been concluded.



Sixthly, the Appellant and the Complainant parties are residents of the same village and live in very close proximity to each other. We have no reason to doubt that the parties themselves have voluntarily settled their differences. Therefore, in order to avoid the revival of healed wounds, and to advance peace and harmony, it will be prudent to effectuate the present settlement.

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4. In the present case, alongwith the petition, a copy of statement of claim filed on behalf of respondent No.2 under Section 20(2) of Minimum Wages Act, 1948 filed before the Joint Labour Commissioner, South District, Govt. of NCT of Delhi has also been placed on record. In the said complaint, respondent No.2 has claimed that he was working as a security guard and his minimum wages in the category of unskilled labour were not paid to him. Even in the said MoU, respondent No.2 has stated that on account of aforesaid application, an altercation took place between respondent No.2 and the petitioners, resulting in filing of the present complaint. The parties being employed in the same place, have entered into the Settlement Deed /MoU out of their own free will and volition and without any coercion thereby agreeing to drop the criminal proceedings. It is also not the case that the petitioners are involved in any other case of similar nature.

5. Learned APP for the State submits that in the present case the petitioners are the only accused persons and respondent No.2 is the only complainant/victim. He also confirms that initially a cancellation report was filed however, later on, a protest petition was filed resulting in filing of the chargesheet. However, summons have not been issued till date.



6. The petitioners and respondent No.2, who are present in the Court, have been identified by their respective counsels and the Investigating Officer.
7. Respondent No.2 states he has entered into the aforesaid Settlement Deed/MoU out of his own free will, volition and without any coercion. He further states that he has no objection if the present FIR and consequent proceedings are quashed.
8. Learned counsel for the petitioners submits that no other proceedings are pending between the parties.
9. The parties shall remain bound by the statements made in Court today.
10. In view of the above facts and circumstances including the factum of the Settlement/MoU and no objection affidavit filed by respondent No.2 and since no useful purpose will be served in continuance of the present criminal proceedings alongwith the fact that respondent No.2 has filed an application before the concerned court thereby seeking acceptance of the cancellation report, it is directed that the aforesaid FIR and the consequent proceedings arising therefrom are hereby quashed, subject to payment of cost of Rs.10,000/- by each petitioner to be paid to respondent No.2 by way of a Demand Draft through Investigating Officer within a period of four weeks from today.
11. Proof evidencing receipt of deposit shall be filed with the Investigating Officer as well as in Court.
12. With the above directions, the petition is disposed of.
13. The Registry shall list the matter before this Court in case receipt of costs to be paid by the petitioners is not filed within the stipulated time



period.

FEBRUARY 21, 2024
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MANOJ KUMAR OHRI, J