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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 6027/2024, CRL.M.A. 22986/2024**

PRABHAT DUA AND ANR

.....Petitioners

Through: Mr. Siddharth Pandit, Mr. Vipin Kumar and Mr. Akshat Rehani, Advocates with petitioners through V.C.

versus

STATE THROUGH SHO PS BINDAPUR AND ANR.

.....Respondents

Through: Mr. Nawal Kishore Jha, APP for State with SI Lalit Kumar, P.S. Bindapur. Mr. Vishwa Prakash Rai, Advocate for respondent No.2 with respondent No.2 present through V.C.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

05.08.2024

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1. The present petition has been filed on behalf of the petitioners seeking quashing of FIR No. 104/2020 registered under Sections 498-A/406/377/34 IPC at P.S. Bindapur, Delhi on the ground that the parties have amicably settled their disputes.
2. The present FIR is an outcome of a matrimonial dispute between the complainant/respondent No. 2 (wife) and petitioner No.1 and petitioner No. 2 is her sister-in-law.
3. Mr. Jha, learned APP for the State, submits that in the present case petitioners are the only accused persons and respondent No. 2 is the only complainant/victim. He, on instructions, submits that charge-sheet has been filed in the present FIR.



4. Learned counsels for the parties submit that after ironing out their differences the parties have settled their disputes and are living together since a considerable period.

5. Petitioners and respondent No.2 have joined the proceedings through the V.C. They have been identified by their respective counsel as well as by the IO/SI Lalit Kumar, P.S. Bindapur.

Respondent No. 2 states that she has been living with her husband i.e., petitioner No.1 and as of now she has no complaint against her husband. She further states that she is giving this statement out of her own free will, volition and without any coercion. She also states that she has no objection if the present FIR and the consequent proceedings are quashed.

6. Learned counsels for the parties submit that no other proceedings are pending between the parties.

7. The parties shall remain bound by the statements and undertaking made in Court today.

8. The power of High Court under Section 482 Cr.P.C. to quash proceedings in matters wherein non-compoundable offences are involved is well recognized. The Supreme Court in B.S. Joshi v. State of Haryana¹ has observed that Section 320 Cr.P.C. does not limit or control the powers vested in High Court under Section 482 Cr.P.C., and the High Court is empowered to quash criminal proceedings/FIR, even if non-compoundable offences are involved.

9. In Gian Singh v. State of Punjab & Anr.² while dealing with the power of High Court to quash criminal proceedings under Section 482 Cr.P.C., the

¹ (2003) 4 SCC 675

² (2012) 10 SCC 303



Supreme Court observed as under: -

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61. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society....

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10. What emerges from the discussion undertaken above is that while as a matter of practice, serious and heinous offences ought not to be quashed by exercise of powers under Section 482 Cr.P.C., as it can have detrimental impact upon society, however, at the same time, the Court is not completely divested of the power to quash such proceedings. In appropriate cases, upon a consideration of the facts including the evidence available, the chances of conviction, the timing of the settlement/marriage as well as its actual effect, the Court can exercise its power under Section 482 to quash such



proceedings, in the interest of justice and to put a quietus to the entire incident. However, at the sake of repetition, it is clarified that there is no blanket rule that such quashing should or should not take place. While quashing of serious and heinous offence like rape solely based upon settlement/marriage may not always be warranted, it can be done in cases where the peculiar facts warrant the same.

11. Considering the facts of the present case including the fact that the High Court is well within its right to quash proceedings emanating from Section 377 IPC, and the fact that the parties have gotten married prior to the registration of the FIR and have two children out of the wedlock and are now living together, and since no useful purpose will be served in continuance of the present criminal proceedings, it is directed that the aforesaid FIR and the consequent proceedings arising therefrom are hereby quashed.

12. With the above directions, the petition is disposed of alongwith pending application.

MANOJ KUMAR OHRI, J

AUGUST 5, 2024

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