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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 6203/2024**

SHRI IMANDEEP SINGH GUJRAL AND ORSPetitioners

Through: Mr. Mohit Batra, Advocate with
petitioners in person.

versus

STATE OF DELHI AND ANRRespondents

Through: Mr. Nawal Kishore Jha, APP for State
with SI Purvi, P.S. Tilak Nagar.
Respondent No.2 in person with
counsel.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

09.08.2024

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1. The present petition has been filed on behalf of the petitioners seeking quashing of FIR No. 385/2022 registered under Sections 377/498-A/406/34 IPC at P.S. Tilak Nagar, 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 (husband) and petitioner Nos. 2 to 7 are in-laws of the complainant.
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 complainant/victim. He, on instructions, submits that charge-sheet has been filed in the present FIR.
4. Learned counsel for the petitioners submits that the parties have



settled their disputes vide Memorandum of Settlement dated 06.04.2024. In terms of the settlement, the parties have already been granted divorce by mutual consent vide divorce decree dated 05.07.2023 passed by the Family Court-01, West District, Tis Hazari Court, Delhi in HMA No. 1732/2024. It was agreed that a sum of Rs.15,00,000/-, as full and final settlement, shall be paid by petitioner No. 1 to respondent No. 2 towards her claims qua maintenance, stridhan, alimony, etc. It is further submitted that out of the total settled amount, a sum of Rs.10,00,000/- has already been paid and remaining balance amount of Rs.5,00,000/- is being paid today through a demand draft bearing No. 006873 dated 10.07.2024 drawn on Axis Bank, Delhi.

5. Petitioners and respondent No.2, who are present in Court, have been identified by their respective counsel as well as by I.O./SI Purvi, P.S. Tilak Nagar

6. Respondent No. 2 states that she has settled her disputes with the petitioners of her own free will, volition and without any coercion. She also acknowledges the receipt of entire settled amount and submits that she has no objection in case the FIR is quashed against the petitioners, subject to encashment of demand draft of Rs.5 lacs given to her today in Court.

7. Learned counsel for the petitioners submits that no other proceedings are pending between the parties.

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

9. 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 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.

10. 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 Supreme Court observed as under:-

“xxx

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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¹ (2003) 4 SCC 675

² (2012) 10 SCC 303



11. 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.

12. Considering the facts in 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 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, subject to encashment of aforesaid demand draft of Rs.5 lacs.

13. With the above directions, the petition is disposed of alongwith miscellaneous application.

MANOJ KUMAR OHRI, J

AUGUST 9, 2024/ga