



\$~64

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 7144/2022 & CRL.M.A. 27571/2022
SUKHDEV SHARMA AND ANR. Petitioners
Through: Mr.Manish Verma,Adv. along
with petitioners in person.

versus

THE STATE AND ANR Respondents
Through: Mr.Aman Usman, APP with
ACP Ramphool Meena and SI
Deepak.
R-2 in person.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
09.02.2024

%

1. This petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') seeking quashing of FIR No. 493/2021 registered with Police Station: Pul Prahladpur, South-East District, New Delhi under Section 3(1)(r)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short, 'SC/ST Act'), along with all other proceedings arising therefrom against the petitioners, on the basis of settlement.
2. The petitioners and the respondent no.2 are next-door neighbours and the dispute arose out of some petty issues between the parties, which led to the filing of the subject FIR.
3. The learned counsel for the petitioners submits that the parties have amicably settled their *inter se* disputes and have entered into a



settlement vide Mutual Agreement dated 29.10.2022.

4. The respondent no.2, who is personally present in Court and has been duly identified by the Investigating Officer (IO), reaffirms the abovementioned settlement and states that he has settled all the disputes with the petitioners of his own free will and without any coercion. The respondent no.2 submits that wants to live in peace with the petitioners, his neighbours, and prays that the subject FIR be quashed.

5. I have perused the contents of the FIR and also the settlement between the parties.

6. In ***Ramawatar v. State of M.P.***, (2022) 13 SCC 635, the Supreme Court, while quashing an FIR filed under the SC/ST Act, in the set of facts where the parties were neighbours and had entered into a mutual settlement, has held as under:

“10. So far as the first question is concerned, it would be ad rem to outrightly refer to the recent decision of this Court in Ramgopal v. State of M.P. (2022) 14 SCC 531, wherein, a two-Judge Bench of this Court consisting of two of us (N.V. Ramana, CJI & Surya Kant, J.) was confronted with an identical question. Answering in the affirmative, it has been clarified that the jurisdiction of a court under Section 320CrPC cannot be construed as a proscription against the invocation of inherent powers vested in this Court under Article 142 of the Constitution nor on the powers of the High Courts under Section 482CrPC. It was further held that the touchstone for exercising the extraordinary powers under Article 142 or Section 482CrPC, would be to do complete justice. Therefore, this Court or the High Court, as the case may be, after having given



due regard to the nature of the offence and the fact that the victim/complainant has willingly entered into a settlement/compromise, can quash proceedings in exercise of their respective constitutional/inherent powers.

xxxxx

16. Ordinarily, when dealing with offences arising out of special statutes such as the SC/ST Act, the Court will be extremely circumspect in its approach. The SC/ST Act has been specifically enacted to deter acts of indignity, humiliation and harassment against members of Scheduled Castes and Scheduled Tribes. The Act is also a recognition of the depressing reality that despite undertaking several measures, the Scheduled Castes/Scheduled Tribes continue to be subjected to various atrocities at the hands of upper castes. The courts have to be mindful of the fact that the Act has been enacted keeping in view the express constitutional safeguards enumerated in Articles 15, 17 and 21 of the Constitution, with a twin-fold objective of protecting the members of these vulnerable communities as well as to provide relief and rehabilitation to the victims of caste-based atrocities.

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 CrPC.”

7. Guided by the principles enunciated by the Supreme Court in its judgment in ***Ramawatar*** (Supra), and keeping in view the fact that parties are neighbours and the respondent no.2 does not wish to pursue his complaint any further, as also the Settlement arrived at between the parties, I find that no useful purpose shall be served in continuing with the proceedings of the present FIR as the chances of its success will be rather minuscule and it would rather create further acrimony between the parties and will be an unnecessary burden on the State exchequer.

8. Accordingly, the petition is allowed. FIR No. 493/2021 registered with Police Station: Pul Prahladpur, South-East District, New Delhi under Section 3(1)(r)(s) of the SC/ST Act, and all consequential proceedings emanating therefrom against the petitioners are quashed.

9. The pending application is also disposed of as infructuous.

NAVIN CHAWLA, J

FEBRUARY 9, 2024/ns/AS

Click here to check corrigendum, if any