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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 6233/2024, CRL.M.A. 23822/2024, CRL.M.A.
23823/2024 & CRL.M.A. 23824/2024

RAJDEV@RAJU & ORS.Petitioners
Through: Mr. Satish Kumar & Ms.
Baby Sharma, Advocates.

versus

THE STATE OF NCT OF DELHIRespondent
Through: Mr. Ajay Vikram Singh,
APP for the State.
SI Onkar (P.S. Badarpur).

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

% **ORDER**
21.10.2024

1. The present petition is filed seeking quashing of FIR No. 370/2018 dated 13.09.2018 registered at Police Station Badarpur for offences under Sections 392/397/34 of the Indian Penal Code, 1860 ('**IPC**'), on the ground of settlement.
2. The FIR was registered on a complaint alleging that on 11.09.2018, while the complainant was waiting for a bus to his village, the petitioners came in a car and offered him a lift. Thereafter, one of the petitioners robbed the complainant of ₹5,000/- by threatening to kill him by showing him pistol.
3. It is further alleged that the wallet of the complainant was also taken and his ATM card was thereafter used and ₹25,000/- were withdrawn.
4. The status report has been filed by the State.
5. It is submitted that the investigation has also led to recovery of a revolver from one of the accused persons, namely,



Pradeep Kumar.

6. It is informed that he had also refused to participate in the TIP proceedings. Serious allegations have been made which, if proved, would be punishable for minimum imprisonment for seven years. The crime of such nature cannot be termed as crime *in personam* and the FIR cannot be quashed only because the victim has decided to settle the disputes. All the petitioners are on bail and the possibility of victim being threatened also cannot be ruled out in such circumstances which can probably be the reason for the victim not interested in pursuing the proceedings.

7. The Hon'ble Apex Court has laid down parameters and guidelines for High Court while accepting settlement and quashing the proceedings. In the case of ***Narinder Singh & Ors. v. State of Punjab & Anr. : (2014) 6 SCC 466***, the Hon'ble Apex Court had observed as under :-

“29. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:

29.1. Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution.

29.2. When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the



guiding factor in such cases would be to secure:

- (i) ends of justice, or
- (ii) to prevent abuse of the process of any court.

While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.

29.3. Such a power is not to be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Similarly, for the offences alleged to have been committed under special statute like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender.

29.4. On the other hand, those criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.

29.5. While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.”

(emphasis supplied)

8. Undisputedly, the offences as alleged are heinous in nature and involve mental depravity. Offences of such nature cannot be quashed merely because the victim has settled the dispute. Such offences, in true sense, cannot be said to be offences *in personam*



as the same are crimes against the society.

9. Considering the allegations, this Court is of the opinion that the FIR and the proceedings arising therefrom cannot be quashed solely on the ground of settlement.

10. The present petition is dismissed with the liberty to the petitioner to raise all arguments and issues before the learned Trial Court while addressing arguments on charge.

11. It is made clear that this Court has not gone into the merits of the allegations and the learned Trial Court shall pass the order on charge uninfluenced by the observations made in the present order.

AMIT MAHAJAN, J

OCTOBER 21, 2024

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