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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 6652/2019**
VINOD AGRAWAL & ANR Petitioner

Through: Mr. Neeraj Chaudhari, Mr.
Akshay Chandra & Mr.
Deeparshya Datta, Advs.
with P1 & P2 in person

versus

STATE OF NCT DELHI
& ANR Respondent

Through: Mr. Pradeep Gahalot, APP
for the State with Mr.
Dhruv Shokeen & Mr.
Harish Chand, Advs.
Inspector Rakesh Kumar
& SI Rohitash, PS- Neb
Sarai
Mr. Narender Pal Singh,
Mr. Ravjot Singh & Mr.
Siddharth Shankar, Advs.
for R2 with R2 in person

26

+ **CRL.M.C. 54/2020**
GEETA RANI & ANR Petitioner

Through: Mr. Shishir Mathur, Mr.
Neeraj Chaudhari, Mr.
Prem Nath Upadhyay &
Ms. Muskan Tyagi, Advs.
with P1 & P2 in person

versus

STATE OF NCT DELHI
& ANR Respondent

Through: Mr. Pradeep Gahalot, APP
for the State with Mr.
Dhruv Shokeen & Mr.
Harish Chand, Advs.
Inspector Rakesh Kumar
& SI Rohitash, PS- Neb
Sarai
Mr. Narender Pal Singh,
Mr. Ravjot Singh & Mr.
Siddharth Shankar, Advs.
for R2 with R2 in person

CORAM:



HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

02.05.2024

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**CRL.M.C. 6652/2019 & CRL.M.A. 43341/2019 (for ex-parte
ad-interim stay of proceedings)**

1. The present petition is filed under Sections 482 and 483 of the Code of Criminal Procedure, 1973 ('CrPC') seeking quashing of FIR No. 766/2015 dated 08.06.2015, for offences under Section 342 of the Indian Penal Code, 1860 ('IPC') and Section 26 of the Juvenile Justice Act, 1986 ('JJ Act'), registered at Police Station Neb Sarai.
2. The FIR was registered on a complaint lodged by Respondent No. 2 who at the relevant time was a household help in the petitioner's family. She alleged that during her employment in the petitioner's household, she was not paid the requisite money and she was also being harassed.
3. Respondent No.2 was hired through an agency namely Geeta Enterprises in the year 2014, as household help.
4. The present petition is filed on the ground that the matter is amicable settled between the petitioners and Respondent No. 2 by way of a Memorandum of Understanding dated 17.10.2019.
5. The learned counsel for the petitioners submits that the complaint was given by the complainant on a misunderstanding as the outstanding salary was not paid. He submits that the salary of the complainant was duly sent to her father which the complainant was not aware.
6. He submits that the complainant has, since realised that the complaint was given on a misunderstanding, and does not wish to pursue the proceedings arising out of the present FIR.
7. The affidavit to that effect has also been filed duly sworn



by the complainant. The complainant is also present in Court and states that the present complaint was filed on a misunderstanding and she has no grievance against the petitioners.

8. The learned counsel for the complainant states that the complainant has also got married and does not wish to pursue any proceedings arising out of the present FIR as the pendency of the same would only lead to harassment of the complainant.

9. The parties are present in person and have been duly identified by the Investigating Officer.

10. It is well settled that the High Court while exercising its powers under Section 482 of the CrPC can compound offences on the ground that there is a compromise between the accused and the complainant. 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 Supreme 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)



11. Similarly, in the case of ***Parbatbhai Aahir & Ors. v. State of Gujarat & Anr. : (2017) 9 SCC 641***, the Hon'ble Supreme Court had observed as under :-

“16. The broad principles which emerge from the precedents on the subject, may be summarised in the following propositions:

16.1. Section 482 preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court.

16.2. The invocation of the jurisdiction of the High Court to quash a first information report or a criminal proceeding on the ground that a settlement has been arrived at between the offender and the victim is not the same as the invocation of jurisdiction for the purpose of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of Section 320 of the Code of Criminal Procedure, 1973. The power to quash under Section 482 is attracted even if the offence is non-compoundable.

16.3. In forming an opinion whether a criminal proceeding or complaint should be quashed in exercise of its jurisdiction under Section 482, the High Court must evaluate whether the ends of justice would justify the exercise of the inherent power.

16.4. While the inherent power of the High Court has a wide ambit and plenitude it has to be exercised (i) to secure the ends of justice, or (ii) to prevent an abuse of the process of any court.

16.5. The decision as to whether a complaint or first information report should be quashed on the ground that the offender and victim have settled the dispute, revolves ultimately on the facts and circumstances of each case and no



exhaustive elaboration of principles can be formulated.

16.6. In the exercise of the power under Section 482 and while dealing with a plea that the dispute has been settled, the High Court must have due regard to the nature and gravity of the offence. Heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot appropriately be quashed though the victim or the family of the victim have settled the dispute. Such offences are, truly speaking, not private in nature but have a serious impact upon society. The decision to continue with the trial in such cases is founded on the overriding element of public interest in punishing persons for serious offences.

16.7. As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing insofar as the exercise of the inherent power to quash is concerned.

16.8. Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute.

16.9. In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice; and

16.10. There is yet an exception to the principle set out in propositions 16.8. and 16.9. above. Economic offences involving the financial and economic well-being of the State have implications which lie beyond the domain of a mere dispute between private disputants. The High Court would be justified in declining to quash where the offender is involved in an activity akin to a financial or economic fraud or misdemeanour. The consequences of the act



complained of upon the financial or economic system will weigh in the balance.”

(emphasis supplied)

12. The learned counsel for the petitioner very fairly submits that the petitioner would also pay an additional sum of ₹50,000/- to the complainant who has been made to travel from Jharkhand in order to appear before this Court.

13. Let the sum of ₹50,000/- be deposited into the bank account of the complainant within a period of six weeks from today.

14. The incorporation of inherent power under Section 482 CrPC is meant to deal with the situation in the absence of express provision of law to secure the ends of justice such as, where the process is abused or misused; where the ends of justice cannot be secured; where the process of law is used for unjust or unlawful object; to avoid the causing of harassment to any person by using the provision of CrPC or to avoid the delay of the legal process in the delivery of justice. Whereas, the inherent power is not to be exercised to circumvent the express provisions of law.

15. Keeping in view the nature of dispute and that the parties have amicably entered into a settlement, this Court feels that no useful purpose would be served by keeping the dispute alive and continuance of the proceedings would amount to abuse of the process of Court. I am of the opinion that this is a fit case to exercise discretionary jurisdiction under Section 482 of the CrPC.

16. However, keeping in mind the fact that the charge sheet has already been filed in the case arising out of FIR No. 766/2015, and the State machinery has been put to motion, ends of justice would be served if the petitioner is put to cost.



17. In view of the above, FIR No. 766/2015 and all consequential proceedings arising therefrom are quashed, subject to payment of cost of ₹20,000/- by the petitioner, out of which ₹10,000/- (Rupees Ten Thousand only), to be deposited with the Delhi Police Welfare Fund and ₹10,000/- to be deposited with the New Delhi Bar Association.

18. The present petition is allowed in the aforesaid terms.

19. All pending application(s) also stands disposed of.

CRL.M.C. 54/2020 & CRL.M.A. 253/2020 (for ex-parte ad-interim stay of proceedings)

20. The present petition is filed under Sections 482 and 483 of the Code of Criminal Procedure, 1973 ('CrPC') seeking quashing of FIR No. 766/2015 dated 08.06.2015, for offences punishable under Section 342 of the Indian Penal Code, 1860 ('IPC') and Section 26 of the Juvenile Justice Act, 1986 ('JJ Act'), registered at Police Station Neb Sarai.

21. In view of the order passed in CRL.M.C. 6652/2019 and keeping in mind the fact that the FIR in relation to employers in CRL.M.C. 6652/2019 is quashed, this Court deems it appropriate to quash the proceedings arising out of FIR No. 766/2015 in the present case also.

22. In view of the above, FIR No. 766/2015 and all consequential proceedings arising therefrom are quashed.

23. The present petition is allowed in the aforesaid terms.

24. All pending application(s) also stands disposed of.

25. A copy of this order be placed in both the matters.

AMIT MAHAJAN, J

MAY 2, 2024

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