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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 6292/2024, CRL.M.A. 24097/2024 , CRL.M.A.
24098/2024

SH. RANJEEV SINGH@ RAJ & ORS.Petitioners
Through: Mr. Pravesh Sharma, Mr. Pushpender
Kaushik and Ms. Jyoti Sharma,
Advocates with petitioner No.1
present through V.C. and petitioner
Nos. 2 and 3 in person in Court.

versus

STATE NCT OF DELHI AND ANRRespondents
Through: Mr. Sanjeev Sabharwal, APP for State
with W/SI Sanju Kumari, P.S. Palam
Village.
Mr. Rajneesh Kr. Singh and Ms.
Beauty Singh, Advocates for
respondent No.2 with respondent
No.2 in person.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
14.08.2024

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1. The present petition has been filed on behalf of the petitioners seeking quashing of FIR No. 0171/2021 registered under Sections 498-A/406/377/34 IPC at P.S. Palam Village 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 petitioners, wherein, petitioner No.



1 is husband and petitioner Nos. 2 and 3 are in-laws of the complainant.

3. Mr. Sabharwal, 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.

4. It is submitted that parties have settled their disputes vide Memorandum of Understanding/Settlement dated 01.05.2023. In terms of the settlement, marriage between the parties has already been dissolved vide decree of divorce by mutual consent dated 05.12.2023 passed by Principal Judge, Family Court, South West, Dwarka, New Delhi in HMA No. 3811/2023. In terms of the settlement, it is agreed between the parties that petitioner No.1 shall pay a sum of Rs.1,50,000/- as full and final settlement to respondent No. 2 towards all her claims qua maintenance, stridhan, alimony, etc. It is further submitted that out of the total settled amount, a sum of Rs.1,00,000/- has already been paid and remaining balance amount of Rs.50,000/- is being paid today to the respondent No.2 through a demand draft No. 535713 dated 02.07.2024 drawn on State Bank of India.

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 Sanju Kumari, P.S. Palam Village.

6. Respondent No. 2 states that she has settled her disputes with petitioner No.1 out 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.50,000/-, handed over to her today, is torn.

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:-

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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

¹ (2003) 4 SCC 675

² (2012) 10 SCC 303



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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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 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.50,000/-.

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



pending applications.

AUGUST 14, 2024
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MANOJ KUMAR OHRI, J