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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 6539/2024**

POONAM SOOD

.....Petitioner

Through: Mr. Rohit Sharma, Mr. Rounak
Nayak (D/4613/2015), Mr. Anshul
Choudhary, Mr. Jatin Lalwani and
Mr. Nikhil Purohit, Advocates with
Petitioner-in-person

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Shoaib Haider, APP for the State.
Ms. Laxmi Chauhan (D/614/2002),
Mr. Manish Yadav (D/224/2012) and
Ms. Shambhvi Mansingh
(D/4726/2021), Advocates with
Respondent No.2 in person .
SI Tulsi Nagar (D-843), PS CR Park

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **22.08.2024**

CRL.M.A. 24991/2024 (Exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 6539/2024 & CRL.M.A. 24992/2024

1. The Petitioner has approached this Court for quashing FIR No.309/2014 dated 19.09.2014 registered at Police Station CR Park for offence under Section 341 IPC on the ground that the parties have entered into a settlement.

2. It is stated that the parties have settled all their disputes amicably by a settlement deed dated 07.02.2024. A copy of Settlement Deed dated 07.02.2024 has been annexed with the instant petition as Annexure P-5. As

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per the settlement, the parties have decided to live peacefully and have agreed to settle all their disputes amicably. It is stated that Respondent No.2/Complainant does not have any objection to quashing of the instant FIR and all the proceedings emanating therefrom in terms of the aforesaid settlement.

3. Material on record shows that chargesheet has been filed for offence an under Section 341 IPC. Pursuant to the chargesheet, the Petitioner has been convicted *vide* Judgment dated 07.06.2023 by the learned Trial Court. However, the Order on Sentence has yet not been passed in the matter.

4. When this Court enquired as to whether this Court has the power to quash an FIR after the accused is convicted, learned Counsel for the Petitioner places reliance on a judgment passed by the Apex Court in Ramgopal & Anr. v. State of Madhya Pradesh, **2022 (14) SCC 531**, which reads as under:-

“13. It appears to us that criminal proceedings involving non-heinous offences or where the offences are pre-dominantly of a private nature, can be annulled irrespective of the fact that trial has already been concluded or appeal stands dismissed against conviction. Handing out punishment is not the sole form of delivering justice. Societal method of applying laws evenly is always subject to lawful exceptions. It goes without saying, that the cases where compromise is struck post-conviction, the High Court ought to exercise such discretion with rectitude, keeping in view the circumstances surrounding the incident, the fashion in which the compromise has been arrived at, and with due regard to the nature and seriousness of the offence, besides the conduct of the accused, before and after the incidence. The touchstone for exercising the extraordinary power under Section 482CrPC would be to secure the ends of justice. There can be no hard-and-fast line constricting the power of the High Court



to do substantial justice. A restrictive construction of inherent powers under Section 482CrPC may lead to rigid or specious justice, which in the given facts and circumstances of a case, may rather lead to grave injustice. On the other hand, in cases where heinous offences have been proved against perpetrators, no such benefit ought to be extended, as cautiously observed by this Court in Narinder Singh v. State of Punjab [Narinder Singh v. State of Punjab, (2014) 6 SCC 466, para 29 : (2014) 3 SCC (Cri) 54] and Laxmi Narayan [State of M.P. v. Laxmi Narayan, (2019) 5 SCC 688, para 15 : (2019) 2 SCC (Cri) 706] .

14. In other words, grave or serious offences or offences which involve moral turpitude or have a harmful effect on the social and moral fabric of the society or involve matters concerning public policy, cannot be construed betwixt two individuals or groups only, for such offences have the potential to impact the society at large. Effacing abominable offences through quashing process would not only send a wrong signal to the community but may also accord an undue benefit to unscrupulous habitual or professional offenders, who can secure a “settlement” through duress, threats, social boycotts, bribes or other dubious means. It is well said that “let no guilty man escape, if it can be avoided”.”

5. A perusal of the aforesaid paragraphs shows that the Apex Court has held that the High Court in exercise of its jurisdiction under Section 482 CrPC and the Apex Court in exercise of its jurisdiction under Article 142 of the Constitution of India can quash offences which are predominantly private in nature and involving non-heinous offences even after conviction.

6. Material on record indicates that dispute was trivial in nature and between the neighbours. Considering the fact that the disputes between the



parties have been amicably settled and in view of the judgment passed by the Apex Court, this Court is inclined to quash the present FIR.

7. The Petitioner is present in Court today. The Complainant/Respondent No.2 has joined the proceedings through video-conferencing. The parties have been identified by their respective Counsels and the Investigating Officer. The Complainant states that she has settled all the disputes with the Petitioner out of her own free will, without pressure, coercion or undue influence and does not want to pursue the present case any further and requests that the present FIR and the proceedings emanating therefrom may be quashed. The parties undertake that they will remain bound by the terms of the settlement arrived at between them and the proceedings recorded before this Court.

8. In view of the settlement arrived at between the parties since the parties are neighbours, this Court is of the opinion that no useful purpose would be served in continuing with the present proceedings. Resultantly, the FIR No.309/2014 dated 19.09.2014 registered at Police Station CR Park for offence under Section 341 IPC and the proceedings emanating therefrom are hereby quashed. The parties shall remain bound by the terms of the settlement and the undertaking given to the Court.

9. With these observations, the petition is disposed of along with all the pending application(s), if any.

SUBRAMONIUM PRASAD, J

AUGUST 22, 2024

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