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

+ **W.P.(CRL) 2650/2024, CRL.M.A. 26000/2024 & CRL.
M.A. 26001/2024**

HARISH JARWAL @ HARISH KUMARPetitioner

Through: Mr. Vivek Sood, Mr.
Saurabh Agarwal, Ms.
Palak Bishnoi, Mr. Raunak
Gupta & Mr. Rakesh
Sharma, Advs.
Petitioner in person

versus

STATE OF NCT OF DELHI & ANR.Respondents

Through: Mr. Amol Sinha, ASC for
the State with Mr. Kshitiz
Garg & Mr. Ashvini
Kumar, Advs.
Inspector Pavan, PS- Neb
Sarai
Ms. Rakhi Tomar, Adv.
for R2 & R3
R2 & R3 in person

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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30.08.2024

1. The present petition is filed challenging the judgment dated 28.02.2024, passed by the learned Trial Court, in Sessions Case No. 02/2020 arising out of FIR No. 213/2020, registered at Police Station Neb Sarai.

2. By the judgment dated 28.02.2024, the petitioner has been convicted for the offence under Section 506 of the Indian Penal Code, 1860 ('IPC'). The other accused persons have been convicted for the offences under Section 306/34 of the IPC,



under Section 120B read with Sections 386/506 of the IPC, under Section 386 read with Section 511 read with Section 120B of the IPC and under Section 506 read with Section 120B of the IPC.

3. The learned senior counsel for the petitioner submits that the petitioner has only been charged and convicted for the offence under Section 506, Part-I of the Indian Penal Code, 1860 ('IPC').

4. He submits that the allegation against the petitioner in the present case was limited to him having allegedly criminally intimidated Respondent No. 3.

5. He further submits that it is a settled law that the parties can enter into a settlement even post the judgment of conviction and the same can be a ground for quashing of the proceedings by the High Court while exercising power under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') (*erstwhile* Section 482 of the Code of Criminal Procedure, 1973).

6. He further submits that Respondent No. 3 and the petitioner have settled their dispute and have entered into Memorandum of Understanding dated 10.08.2024, without any force, fear, coercion, inducement or pressure of any kind.

7. The parties are present in Court and have been duly identified by the Investigating Officer.

8. Respondent No. 3, on being asked, states that he does not wish to pursue any proceedings against the petitioners. He further submits that the statement to that effect was also given before the learned Trial Court.

9. In the present case, the compromise has been reached between the parties after the conviction of the petitioner.

10. The Court in exercise of the power under Section 528 of the BNSS is empowered to pass orders to secure the ends of



justice. While the High Court should be slow in quashing the proceedings when the parties compromise the matter at a belated stage, however, the High Court is not precluded from quashing the conviction upon settlement between the victim and the accused person. The Hon'ble Apex Court, in the case of **Ramgopal v. State of M.P. : (2022) 14 SCC 531**, had observed as under:

“12. The High Court, therefore, having regard to the nature of the offence and the fact that parties have amicably settled their dispute and the victim has willingly consented to the nullification of criminal proceedings, can quash such proceedings in exercise of its inherent powers under Section 482CrPC, even if the offences are non-compoundable. The High Court can indubitably evaluate the consequential effects of the offence beyond the body of an individual and thereafter adopt a pragmatic approach, to ensure that the felony, even if goes unpunished, does not tinker with or paralyse the very object of the administration of criminal justice system.

*13. It appears to us that criminal proceedings involving non-heinous offences or where the offences are predominantly 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].”

(emphasis supplied)

11. Concededly, the petitioner has been convicted for the offence under Section 506 of the IPC and the same is compoundable at the instance of the person so intimidated.

12. In the present case, Respondent No.3 has categorically stated that he does not wish to pursue any proceedings against the petitioner. He had also categorically deposed before the learned Trial Court that he did not receive any threat from the petitioner at any point of time.

13. It has not been disputed by the prosecution that there is no other evidence to connect the petitioner with the offence alleged against him.

14. In such circumstances, even though the judgment of conviction has been passed, in the opinion of this Court, continuance of the proceedings would be an abuse of the process of law.

15. However, since the State machinery has been put to motion and the settlement is arrived at such a belated stage, ends of justice would be served if the petitioner is put to cost.

16. In view of the above, the present petition is allowed and the judgment of conviction dated 28.02.2024 is set aside to the extent of the petitioner's conviction, subject to payment of a total cost of ₹30,000/- by the petitioner, to be deposited with the Delhi Police Welfare Society, within a period of eight weeks from today.

17. It is made clear that this Court has not commented on the merits of the case and any observation made in the present order shall not influence the proceedings against the other accused persons.



18. Pending applications also stand disposed of.

AMIT MAHAJAN, J

AUGUST 30, 2024
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