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

+ **CRL.M.C. 6885/2024**

SURAJ PRAKASH TANEJA

.....Petitioner

Through: Mr. Amit Satija (D/1071/2008),
Advocate along with Petitioner in
person.

versus

STATE NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Shoaib Haider, APP for the State.
SI Shweta, D-6367, PS Tilak Nagar
Respondent No.2/Complainant in
person.

+ **CRL.M.C. 6899/2024**

SHAKIL AHMAD @ SHAKEEL

.....Petitioner

Through: Mr. Deepak Kumar (D/4641/2014),
Advocate along with the Petitioner in
person.

versus

STATE NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Shoaib Haider, APP for the State.
SI Shweta, D-6367, PS Tilak Nagar
Respondent No.2/Complainant in
person.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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02.09.2024

CRL.M.A. 26324/2024 (Exemption)

CRL.M.A. 26399/2024 (Exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 6885/2024

CRL.M.C. 6899/2024

CRL.M.C. 6885/2024 etc.

Page 1 of 6



1. CRL.M.C. 6885/2024 has been filed by the Petitioner for quashing FIR No.133/2017 dated 20.03.2017, registered at Police Station Tilak Nagar for offences punishable under Sections 354/354B IPC. It is alleged in the FIR by Respondent No.2/Complainant that the Petitioner/Accused, who is her landlord, has outraged her modesty and, therefore, on the complaint of Respondent No.2/Complainant, the present FIR has been registered against the Petitioner. The contents of FIR are not being repeated here.
2. CRL.M.C. 6899/2024 has been filed by the Petitioner for quashing FIR No.139/2017 dated 21.03.2017, registered at Police Station Tilak Nagar for offences punishable under Sections 354/506 IPC. It is alleged in the FIR by Respondent No.2/Complainant that the Petitioner/Accused, who is her tenant, has outraged her modesty and, therefore, on the complaint of Respondent No.2/Complainant, the present FIR has been registered against the Petitioner. The contents of FIR are not being repeated here.
3. The Petitioner in CRL.M.C. 6885/2024 is the landlord, who is the father of the Respondent No.2/Complainant in CRL.M.C. 6899/2024 and the Petitioner in CRL.M.C. 6899/2024 is the tenant who is the husband of the Respondent No.2/Complainant in CRL.M.C. 6885/2024.
4. A perusal of the above two FIRs reveals that these are all cross complaints. It is stated that the parties have settled all their disputes and have decided to live peacefully.
5. This Court is now coming across several cases where on trivial issues and with oblique motives, FIRs are being filed against each other and particularly for offences of outraging the modesty of women and other offences under Sections 354/506 IPC etc. This is completely an abuse of the process of law. Police Officers spend valuable time in investigation of such



trivial/false cases. The Police Officers have to instruct the Counsel and be present in Court during the Court proceedings because of which they are not able to investigate bonafide cases properly due to paucity of time. The present case is a classic example of the abuse of the process of law and wasting the precious judicial time of the Court.

6. The possibility of conviction has become very remote because the Parties have entered into a settlement. The power of the High Courts to quash FIRs while exercising its powers under Section 482 Cr.P.C even for offences which are not compoundable under Cr.P.C. has been settled in a number of judgments. In Gian Singh v. State of Punjab & Anr., reported as **(2012) 10 SCC 303**, the Supreme Court has observed as under:

"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 FIR may be exercised where the offender and the 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 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 a serious impact on society. Similarly, any compromise between the victim and the offender in



relation to the offences under special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc.; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceedings."

7. All the Parties are present in Court today. The Petitioners in both the petitions have been identified by their Counsel and the Investigating Officer. The Respondent No.2/Complainants in both the petitions have been identified by the Investigating Officer. The Respondent No.2/Complainants



in both the petitions state that they have settled all the disputes with the Petitioners out of their own free will, without pressure, coercion or undue influence and do not want to pursue the present case any further and request that the present FIRs and the proceedings emanating therefrom may be quashed. The parties undertake that they will remain bound by the settlement arrived at between them and the proceedings recorded before this Court.

8. In view of the fact that cross complaints have been filed by the parties and now they have sought to get the FIRs quashed on the basis of settlement arrived at between them and in view of the law laid down by the Supreme Court in Gian Singh vs. State of Punjab, (2012) 10 SCC 303, this Court is inclined to exercise its jurisdiction under Section 482 Cr.P.C to quash the FIRs. Accordingly, FIR No.133/2017 dated 20.03.2017, registered at Police Station Tilak Nagar for offences punishable under Sections 354/354B IPC and the FIR No.139/2017 dated 21.03.2017, registered at Police Station Tilak Nagar for offences punishable under Sections 354/506 IPC and all the proceedings emanating therefrom are hereby quashed.

9. However, this Court is of the opinion that the Parties cannot be left scot free for filing false cases and get away with these cases by entering into a settlement which is the abuse of the process of law and the same leads to wasting the precious judicial time.

10. Accordingly, The Petitioners, in both the petitions, are directed to do community service at LNJP Hospital, Delhi for a period of 15 days i.e. from 10.09.2024 to 25.09.2024 from 09:00 AM to 05:00 PM. The Petitioners shall report to the Medical Superintendent, LNJP Hospital, Delhi on 10.09.2024. The Petitioners shall report to the duty assigned to them by



Medical Superintendent, LNJP Hospital, Delhi at 09:00 AM everyday for a period of 15 days. After completion of 15 days community service, a certificate from the Medical Superintendent, LNJP Hospital, Delhi be also filed to show compliance of the order of this Court.

11. The Respondent No.2/Complainants, in both the petitions, are directed to do community service at Safdarjung Hospital, Delhi for a period of 15 days i.e. from 10.09.2024 to 25.09.2024 from 09:00 AM to 05:00 PM. The Petitioners shall report to the Medical Superintendent, Safdarjung Hospital, Delhi on 10.09.2024. The Petitioners shall report to the duty assigned to them by Medical Superintendent, Safdarjung Hospital, Delhi at 09:00 AM everyday for a period of 15 days. After completion of 15 days community service, a certificate from the Medical Superintendent, Safdarjung Hospital, Delhi be also filed to show compliance of the order of this Court.

12. In case of any absenteeism/default or any misbehaviour on the part of the Petitioners and the Respondent No.2/Complainants during the period in which they have been directed to perform the community service, the same shall be conveyed immediately to the concerned SHO/IO, who shall in turn inform the learned APP for the State, for bringing the same to the notice of this Court and for seeking recall of the order passed today.

13. The petitions stand disposed of in the above terms, along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

SEPTEMBER 2, 2024

S. Zakir