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

+ **CRL.M.C. 40/2024**

PATHAN AMJAD & ORS. Petitioners

Through: Md.Asif, Advocate along with
all the petitioners in person.

versus

THE STATE (GOVT. OF NCT OF DELHI) & ANR.

..... Respondents

Through: Ms.Rajeshwari, Mr.A.Ahmad,
Advocate for R-2.
Mr.Shoaib Haider, APP with
SI Manish, PS Welcome.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **04.01.2024**

CRL.M.A. 169/2024(exemption)

1. Allowed, subject to all just exceptions.

CRL.M.C. 40/2024

2. The present petition has been filed by the petitioner(s) seeking quashing of FIR No.0408/2022 registered at Police Station: Welcome, District Shahdara, Delhi, under Sections 498A/406/34 of the Indian Penal Code, 1860 (in short, 'IPC') and Section 4 of Protection of Women from Domestic Violence Act, 2005 (in short, 'DV Act'), on the ground that the parties have arrived at an amicable settlement.

3. The petitioner no.1 is the husband of the respondent no.2, and petitioner no.2 to 9 are the family members of the Petitioner no.1.

4. The marriage of the petitioner no.1 and the Respondent no.2 was solemnized on 26.10.2019 according to the Muslim Customs and



ceremonies. The disputes arose between the petitioner no.1 and the respondent no.2, which resulted in the filing of the FIR as also other litigations.

5. Now, the parties have settled all their disputes in terms of the Settlement-cum-Khulanama dated 18.12.2023, which has been filed as Annexure P-2 (Colly).

6. Issue notice.

7. Notice is accepted by Mr.Shoaib Haider, the learned APP, for the respondent no. 1, and Ms.Rajeshwari, learned counsel for the respondent no.2.

8. The respondent no.2, who also appears in Court in person and has been duly identified by the Investigating Officer (IO), affirms that she has settled the disputes with the petitioners of her own free will and without any coercion. She further states that she has no objection to quashing of the FIR.

9. In ***Gian Singh v. State of Punjab***, (2012) 10 SCC 303, the Supreme Court has held 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 proceeding.”

10. In ***Jitendra Raghuvanshi v. Babita Raghuvanshi***, (2013) 4 SCC 58, the Supreme Court reiterated that:

“15. In our view, it is the duty of the courts to encourage genuine settlements of matrimonial disputes, particularly, when the same are on considerable increase. Even if the offences are non-compoundable, if they relate to matrimonial disputes and the Court is satisfied that the parties have settled the same amicably and without any pressure, we hold that for the purpose of securing ends of justice, Section 320 of the Code would not be a bar to the exercise of power of quashing of FIR, complaint or the subsequent criminal proceedings.

16. There has been an outburst of matrimonial disputes in recent times. The institution of marriage occupies an important place and it has an important role to play in the society. Therefore, every effort should be made in the interest of the individuals in order to enable them to settle down in life and live peacefully. If the parties ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a court of law, in order to do complete justice in the matrimonial matters, the courts should be less hesitant in exercising their extraordinary jurisdiction. It is trite to state that the power under Section 482 should be exercised sparingly and with circumspection only when the Court is convinced, on the basis of



material on record, that allowing the proceedings to continue would be an abuse of process of court or that the ends of justice require that the proceedings ought to be quashed. We also make it clear that exercise of such power would depend upon the facts and circumstances of each case and it has to be exercised in appropriate cases in order to do real and substantial justice for the administration of which alone the courts exist. It is the duty of the courts to encourage genuine settlements of matrimonial disputes and Section 482 of the Code enables the High Court and Article 142 of the Constitution enables this Court to pass such orders.”

11. The learned counsel for the petitioners states that the petitioners shall pay costs of Rs.10,000/- to the Help Age India, C-14, Qutab Institutional Area, New Delhi-110016 within four weeks from today, and submit proof of such deposit before this Court and to the IO.

12. In view of the above judgments, and considering the above settlement arrived at between the parties, and the chances of conviction of the petitioners being remote and bleak, there is no use in continuing with proceedings of the present FIR and the criminal trial. Hence, it would be in the interest of justice to quash the aforementioned FIR, the Final Report and the proceedings pursuant thereto.

13. Accordingly, and subject to the payment of the costs, the petition is allowed. The FIR No.0408/2022 registered at Police Station: Welcome, District Shahdara, Delhi, and all the proceedings emanating therefrom are quashed.

14. Parties shall abide by the terms of the settlement.



15. The petition is disposed of.

NAVIN CHAWLA, J

JANUARY 4, 2024
RN/ss

[Click here to check corrigendum, if any](#)