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

+ **CRL.M.C. 7661/2024**

ABHIJEET@ABHINEET SINGH & ANR.

.....Petitioners

Through: Mr.A.K.Thareja and Mr.V.K.Tandon,
Advts. with petitioners in person.

versus

THE STATE(GOVT., N.C.T OF DELHI) & ANR.Respondents

Through: Mr.Mukesh Kumar, APP for State.
Mr.M.R.Chanchal and Ms.Poonam,
Advts. for R-2 with R-2 in person.
SI Sanjay Kumar, PS Rajouri Garden

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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26.09.2024

CRL.M.A. 29212/2024 (exemption)

Exemption is allowed, subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 7661/2024

1. Present petition has been filed for quashing of FIR No.397/2022 dated 19.05.2022 registered under Section 323/342/355/34 IPC at PS Rajouri Garden and all the other proceedings emanating therefrom.
2. The present FIR has been lodged on the complaint of respondent no.2. The respondent no.2 was helping the petitioners in their domestic work. She has alleged that the petitioners used to beat, maltreat her and also allegedly molest her. After investigation, the charge sheet was filed.



However, now the parties have settled the disputes.

3. Issue notice. Learned APP has accepted the notice. Respondent no.2 is also present with counsel.
4. Learned counsel for the petitioner submits that the Parties have reached on the settlement as recorded in Settlement dated 02.09.2024 on the following terms and conditions:

AND WHEREAS, the first party undertakes to cooperate the second party in getting quashed the abovesaid FIR before the Hon'ble High Court of Delhi, New Delhi,

AND WHEREAS the first party agreed that if any criminal complaint/case/proceeding pending against the second party, the same may be treated as null and void.

AND WHEREAS both the parties have undertaken not to file any proceeding/case whether civil or criminal or any claim against each other or any of his/her family members in future before any court of law, the same MOU is void.

AND WHEREAS the above compromise between the parties has been made out of their independent free will and without any pressure, force, fraud, coercion or undue influence from either side or by any third person.

AND WHEREAS the First Party and the Second Party have put their respective hands into this deed after having fully understood the contents herein which have fully been read over and explained to them in vernacular in the presence of the family members, relatives and witnesses and the same shall be binding upon both the parties.

5. Respondent no.2 is present in court with her brother Mr. Praveen Kumar and states that she has entered in the settlement voluntarily without any fear, force or coercion. IO has identified the respondent no.2/complaint. Learned counsel for the petitioner submits that in the out of court settlement, the complainant has duly been compensated.
6. Section 482 Cr.P.C. pre-supposes three circumstances under which the



inherent jurisdiction may be exercised, i.e., (i) to give effect to an order (ii) to prevent the abuse of the process of court and (iii) to otherwise secure the ends of justice. The court while exercising the power under Section 482 Cr.P.C. does not function as a court of appeal or revision. The powers under Section 482 Cr.P.C., are of wide plenitude but have to be exercised sparingly with caution and only in the event when aforesaid three conditions are satisfied. The object behind the exercise of such power should be to do real and substantial justice for the administration of which the courts exist.

7. It has been repeatedly held by the Hon'ble Supreme Court and this court that when the chances of an ultimate conviction are bleak and, therefore, no useful purpose is likely to be served by allowing a criminal prosecution to continue, and where the court may be of the opinion that a settlement between the parties would lead to better relations between them, the court may exercise power under section 482 CrPC for quashing the proceedings or the complaint or the FIR as the case may be. Further, the High Court can quash non-compoundable offences after considering the nature of the offence and the amicable settlement between the concerned parties. In the case of **Narinder Singh & Ors. V. State of Punjab & Anr.** (2014) 6 SCC 466 it was inter alia held that criminal cases having overwhelmingly and predominantly private character should be quashed when the parties have resolved their entire disputes among themselves.
8. Taking into account the totality of facts and circumstances of the case, this court considers that the parties have entered into an amicable settlement out of their own free will, without any fear, force or coercion and they should be given an opportunity to lead their lives peacefully. No purpose will be served in continuing with the trial.



9. In view of the above, FIR No.397/2022 dated 19.05.2022 registered under Section 323/342/355/34 IPC at PS Rajouri Garden and all the other proceedings emanating therefrom are quashed.
10. The present petition along with all the pending applications, if any, stand disposed of.

DINESH KUMAR SHARMA, J

SEPTEMBER 26, 2024

rb/ht