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

+ **CRL.M.C. 7715/2024**

RANJEET RAY & ANR.

.....Petitioners

Through: Mr. Kamlesh Kr. Mishra and Mr.
Shubham Prajapati, Advocates.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Mukesh Kumar, APP for State
along with SI Satyapreet P.S. Kalindi
Kunj.
Mr. Talib Khan, Advocate for R-2
along with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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24.10.2024

CRL.M.A. 29475/2024 (exemption)

Exemption allowed, subject to all just exceptions.

Applications stand disposed of.

CRL.M.C. 7715/2024

1. The present petition has been filed for quashing of FIR No.148/2019 under Sections 419/385/34 IPC P.S. Kalindi Kunj and all the proceedings emanating therefrom.
2. Learned Counsel for the petitioner submits that the brief facts of the case are that the petitioner allegedly went to the home of Respondent No.2 and demanded Rs. 20,000/- by portraying themselves to be the



MCD officials based on which the present FIR has been registered against the Petitioners. Thereafter, the investigation in the present matter was completed and thus the chargesheet was filed before the concerned court. However, it has been submitted that during the pendency of the proceedings the parties have resolved their disputes amicably and have entered into MOU dated 23.09.2024 on the following terms:

“1. That the present matter has been resolved amicably between the First Party/complainant/injured and the Second Party/accused. The Counsel for the accused persons have paid an amount of Rs.25,000/- (Rupees Twenty Five Thousand only) to the First Party/complainant by way of cash today i.e. 23.09.2024 and the same has been received and acknowledged by the First Party. Further Counsels for the accused persons undertake they they will produce the accused persons before the Ld. Referral Court for making their statements.

2. It is also agreed that both parties shall maintain peace and tranquility, and they shall live with peace and harmony. It is further agreed that both the parties are left with no grievances against each other, whatsoever nature.

3. That in respect to safeguard the rights and interest of the First Party, the counsels for the accused persons have assured that the Second Party/accused persons shall not contact with the First Party and raise any conflict or quarrel with the First Party and her family members in any manner whatsoever.

4. It is further agreed between the parties that in pursuance to this settlement, the both the parties shall make necessary statement before the Hon'ble Court concerned in the present matter for compounding the compoundable offence. First Party shall co-operate for compounding of the compoundable offence. Thereafter, Ld. Court may pass appropriate order.

5. It is further agreed between the parties that with regard to the Section u/s 385 IPC, the accused persons shall move for quashing petition u/s 528 BNSS before the Hon'ble High Court of Delhi for quashing of the present FIR bearing No.148/2019, PS: Kalindi Kunj within fifteen days from today and the complainant shall fully co-operate for quashing of the said FIR as well as all the proceedings



emanating therefrom. The Complainant shall sign her affidavits of no objection, appear and do whatever required in order to get present FIR quashed as well as all the proceedings emanating therefrom before the Hon' ble High Court. The litigation expenses for moving and filing the petition shall be borne by the accused persons. Further, the petitioners have agreed to even otherwise co-operate with the Respondents/accused person in all manner before the trial court as well as before the Hon'ble High Court of Delhi.

6. It is further agreed that upon compliance of all the terms and conditions, as above, nothing shall remain due between the parties in respect of the present case and they shall not file any case (civil or criminal)/complaint regarding the same against each other.”

3. The inherent power under Section 482 Cr.P.C. is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guidance engrafted in such power viz.: (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court. In the case of *Gian Singh v. State of Punjab* (2012) 10 SCC 303, the Supreme Court has observed that in the exercise of its inherent power under Section 482, the High Court can quash FIR/Charge-sheet on the basis of alleged settlement except in cases of rape, murder, dacoity or the cases under the Special Statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc. It is a settled proposition of law that High Courts should exercise the power under Section 482 Cr.P.C. for quashing of criminal cases having overwhelmingly and predominantly civil flavour.
4. It has also been repeatedly held that 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. Reliance can be placed upon ***Madhavrao Jiwajirao Scindia v.Sambhajirao Chandrojiroo Angre***, (1988) 1 SCC 692

5. Respondent No. 2 is present in person and has been duly identified by the IO. She has affirmed that she has resolved all her disputes willingly and voluntarily, without any threat, fear, force, or coercion. She submits that she received the entire amount in pursuant to the settlement and in light of this, she does not wish to continue with the FIR. She submits that has no objection if FIR No.148/2019 under Sections 419/385/34 IPC P.S. Kalindi Kunj is quashed.
6. In view of the above, it appears that she is not going to support the case of the prosecution and the possibility of conviction is remote and bleak. In view of the matter, the continuation of the criminal proceedings would be an exercise in futility and it is an abuse of the process of the court. There would no purpose in continuing with the present proceedings and accordingly, the FIR No.148/2019 dated 27.04.2019 under Sections 419/385/34 IPC P.S. Kalindi Kunj and all the other proceedings emanating therefrom are quashed.
7. The present petition along with all the pending applications stand disposed of.

DINESH KUMAR SHARMA, J

OCTOBER 24, 2024/ssc/smg..