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

+ **CRL.M.C. 9028/2024**

RAHUL PAL

.....Petitioner

Through: Mr. Manjeet Kapil, Adv. with
Petitioner in person.

versus

THE STATE NCT OF DELHI AND ANR

.....Respondents

Through: Ms. Meenakshi Dahiya, APP for State
and SI Dhiraj Singh, PS Shalimar
Bagh.
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

20.11.2024

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CRL.M.A. 34594/2024

1. Exemption is allowed subject to all just exceptions.
2. Application stands disposed of.

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3. The present petition has been filed under Section 528 BNSS seeking quashing of case FIR No. 110/2021 under Section 435 IPC registered at PS Shalimar Bagh, Delhi and all other proceedings emanating therefrom.
4. Issue notice.
5. Learned APP for the State has accepted the notice.
6. Respondent No.2 /complainant is present in the Court and has accepted



the notice. She has duly been identified by the IO. She states that she knew to the petitioner herein for a very long time and on account of some misunderstanding, the present FIR was lodged. However, she submits that she has now settled the matter vide Memorandum of Understanding dated 13.11.2024 with the petitioner and she has no objection if FIR No. 110/2021 under Section 435 IPC registered at PS Shalimar Bagh, Delhi and all other proceedings emanating therefrom are quashed. She also submits that she has settled the dispute voluntarily without any fear of threat, force or coercion.

7. I have perused the Memorandum of Understanding dated 13.11.2024 which has been placed on record. The parties have resolved their disputes based on the following terms and conditions:

“That the first party and second party had a dispute between them due to some misunderstanding which resulted into lodging one FIR No.110/21 U/s.435 IPC registered at P.S. Shalimar Bagh, Delhi, pending in the court of Sh. Gaurav Katariya, Ld. JMFC, District North-West, Rohini, Courts, Delhi.

Now the parties have settled their disputes amicably and decided to compromise the matter and there is no grievance left between the parties. This compromise is the result of individual efforts of parties and the interference of the common friends and relatives and also some respectable of the society.

Whereas, the parties to the present MOU is undertakes to file quashing petition before the Hon 'ble High Court of Delhi at New Delhi for quashing of above said FIR.

Whereas the parties has compromised the matter with each other amicably without any force, pressure, Coercion or undue influence.



Whereas the second party does not want any actions against the first party and has settled the matter with the First Party. Now she has no grievance against the First Party.”

8. 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.
9. 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
10. In view of the above, I see no reason to reject the settlement arrived at



between the parties. Upon interaction, it also appears that Respondent no. 2 is not going to support the case of the prosecution and the possibility of conviction is remote and bleak. Thus, continuation of the criminal proceedings would be an exercise in futility, and it is an abuse of the process of the court.

11. Accordingly, the FIR No. 110/2021 under Section 435 IPC registered at PS Shalimar Bagh, Delhi and all other proceedings emanating therefrom are quashed.
12. The present petition along with pending applications, if any stands disposed of.

DINESH KUMAR SHARMA, J

NOVEMBER 20, 2024/AR/SMG..