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

+ **CRL.M.C. 9426/2024**

HARSH GUPTA

.....Petitioner

Through: Mr. Jitender Mehta and Mr. Lalit Kumar, Advocates with petitioner in person.

versus

THE STATE NCT OF DELHI AND ORS.

.....Respondents

Through: Mr. Mukesh Kumar, APP for the State with SI Vijay Dahiya, P.S. Prashant Vihar.
Mr. Dalip Kumar Chhabra, Advocate for R-1 to 6 with respondent no. 2 in person.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

23.12.2024

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Crl.M.A. 36161-62/2024 (for exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 under Section 482 Cr.P.C. seeking quashing of FIR No. 540/2016 registered under Sections 281/106 of IPC at Police Station Prashant Vihar, Delhi and all the proceedings emanating therefrom on the basis of settlement dated 05.10.2024.
4. The settlement dated 05.10.2024 have been placed on record. The parties



have settled their disputes on the following terms and conditions:-

“i) That it is agreed between the parties that the First Party namely Harsh Gupta will pay a total sum of Rs. 3,50,000/- (Rupees Three Lakhs Only) to the Second Party and the said amount agreed to be paid in the following manner: -

Rs. 30,000/- (Rupees Thirty Thousand Only) already paid by the First Party namely Harsh Gupta to the Second Party by way of Cash, at Rohini District Court, Delhi on 28.06.2024;

b) Rs. 1, 20, 000/- (Rupees One Lakh Twenty Thousand only) agreed to be paid by the First Party namely Harsh Gupta to the Second Party at the time of signing of present settlement by way of Manager Cheque bearing No. 090078 dated 04.10.2024 drawn on HDFC Bank (in the name of Smt. Aanchal Chhibber).

c) Rs.2,00,000/- (Rupees Two Lakh Twenty Thousand Only) agreed to be paid by the First Party namely Harsh Gupta to the Second Party at the time of quashing the above-mentioned FIR bearing no. 540/2016 dated 23.06.2016 registered at Police Station Prashant Vihar, Under Sections 279, 304A IPC, before the Hon'ble High Court of Delhi, by way of Demand Draft/RTGS/Cheque (in the name of Smt. Aanchal Chhibber) or by any other mode of transfer to the account of the Second Party.

ii) It is further agreed between all the parties that the Second Party will withdraw all claims raised by him or legal heirs of Sh. Gaurav Chhibber in the above case, after receipt of the aforesaid agreed entire payment of Rs. 3,50,000/- (Rupees Three Lakhs Fifty Thousand Only).

iii) It is further agreed that Second Party would provide supportive affidavit, copy of Adhar Card, Passport Size Photographs etc. for the filing of quashing of FIR.

iv) It is further agreed between the parties that on the receipt of the above-said amount, the Second Party



undertakes to give statement (on behalf of Smt. Aanchal Chhibber W/o Lt. Sh. Gaurav Chhibber) before the Hon'ble Delhi High Court at the time of quashing of FIR No. 540/2016, if the Hon'ble Delhi High Court would direct then Smt. Aanchal Chhibber would appear and give statement for quashing of the said FIR No. 540/2016.

v) It is further agreed between the parties that after the receipt of the above-said settlement amount, there would be no claim of the Second party remain pending against the First party.

vi) It is further agreed between the parties that the Second Party would withdraw all claims (if any) already filed against the second party by him or legal heirs of Sh. Gaurav Chhibber.”

5. Learned Counsel for the petitioner has submitted in view of the above, it would be in the interest of justice if the present matter is put to rest and therefore prays that the FIR No. 540/2016 registered under Sections 281/106 of IPC at Police Station Prashant Vihar, Delhi and all the proceedings emanating therefrom are quashed.
6. 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.

7. 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 69
8. Pursuant to the directions passed on the last date of the hearing, amended memo of parties has been filed impleading the legal heirs of the deceased Gaurav Chhibber.
9. Respondent nos. 3 to 6 have their affidavit giving no objection to the quashing of the FIR. A perusal of the affidavits also indicates that Respondent no. 3 to 6 have no objection if their share of amount is released in favour of the Respondent no. 2/ wife of the deceased.
10. The respondent no. 2, wife of the deceased is present in court and has duly been identified by the IO. She states that she has received the entire amount of Rs.3,50,000/- in addition to the award passed in MAC Petition No. 60/2017 and has no objection if the FIR is quashed.
11. 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, FIR no. 540/2016 registered u/s Sections 281/106 of IPC at Police Station Prashant Vihar, Delhi and all the proceedings emanating therefrom quashed.

12. The present petition along with pending application if any stands disposed of.

DINESH KUMAR SHARMA, J

DECEMBER 23, 2024

AK/smg