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

+ CRL.M.C. 6180/2018, CRL.M.A. 48913/2018

SANJAY KUMAR & ANR.

.....Petitioners

Through: Mr. Mayank Dev, Mr.Sidharth
Yadav, Advs. with petitioners.

versus

STATE NCT & ANR.

.....Respondents

Through: Mr. Pradeep Gahalot, APP for the
State with ASI Ramesh, Crime
Branch, SI Kamal Sharma, PS
Fatehpur Beri

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

23.10.2024

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1. The present petition has been filed u/s 482 of Cr.P.C., seeking quashing of FIR No.287/2013 u/s 354A/509/323/34 IPC registered at P.S. Fatehpur Beri, Delhi and all the other proceedings emanating therefrom.
2. Learned counsel for the petitioners submits that all the parties are neighbors. Learned counsel for the petitioner submits that the present FIR is an offshoot from the FIR bearing no 286/2013 registered against the brother and father of the respondent no.2. Learned counsel submits that certain dispute arose in between the brother, father of respondent no.2 and petitioners.
3. However, with the help of friends and well-wishers of the parties, the matter has been settled vide settlement dated 16.03.2015 arrived at Mediation Centre, Saket Courts, New on following terms and



conditions:

1.It is agreed between the parties that the complaint does not want to continue with the present case registered vide FIR No.286/13, in which he is the complainant as he is not interested in further prosecution of the accused persons and both the parties have agreed to maintain harmonious relations with each other as they are neighbours.

2. It is further agreed between the parties that pursuant to the present settlement, both the parties shall be left with no claim against each other regarding the present matter.

3.It is agreed between the parties that both the parties shall move appropriate petition/application for quashing/compounding of the FIR/case as mentioned above (as the case may be) within one month from today and both the parties will cooperate to each other in signing the requisite documents/applications/petitions and will remain present as and when required before the appropriate Hon'ble High court/learned referral court, as the case may be.

4. That both the parties shall co-operate with each other and make themselves personally present during the quashing/compounding of the offences before the concerned courts.

This settlement has been voluntarily arrived at between the parties with their own free will and without any force, pressure or coercion and both the parties are bound by the terms and conditions mentioned herein above.

4. All the parties are present in court and have duly been identified by the IO. Respondent no. 2 submits that she has entered the settlement voluntarily without any fear, force or coercion. She submits that other petitions have already been withdrawn or dismissed, and she has no objection if FIR No.287/2013 u/s 354A/509/323/34 IPG registered at P.S. Fatehpur Beri and all the proceedings emanating therefrom is



quashed.

5. Since the dispute is predominantly private in nature and the parties have settled all the disputes amicably, in the interest of justice it would be better to put a quietus to the dispute. The chances of conviction would also be bleak and remote, given that the parties do not wish to pursue the present complaint on account of the settlement. I do not see any reason to reject the settlement.
6. This Court in the case of **Akashsharma v. State & Anr.**, 2017 SCC OnLine Del 8152, where the Court while quashing an FIR under Sections 354/354A/341 IPC *inter-alia* held as under:-

“9. The inherent powers of the High Court ought to be exercised to prevent the abuse of process of law and to secure the ends of justice. The respondent no. 2 agreed to the quashing of the FIR in question and stated that the matter has been settled out of her own free will. As the matter has been settled and compromised amicably, so, there would be an extraordinary delay in the process of law if the legal proceedings between the parties are carried on. So, this Court is of the considered opinion that this is a fit case to invoke the jurisdiction under Section 482 Cr.P.C. to prevent the abuse of process of law and to secure the ends of justice.

10. The incorporation of inherent power under Section 482 Cr.P.C. is meant to deal with the situation in the absence of express provision of law to secure the ends of justice such as, where the process is abused or misused; where the ends of justice cannot be secured; where the process of law is used for unjust or unlawful object; to avoid the causing of harassment to any person by using the provision of Cr.P.C. or to avoid the delay of the legal process in the delivery of justice. Whereas, the inherent power is not to be exercised to circumvent the express provisions of law.”



7. It is a well settled law that the inherent power of the High Court under Section 482 Cr.P.C. should be used sparingly. The Apex Court in the case of ***State of Maharashtra through CBI v. Vikram Anatrai Doshi*** and in the case of ***Inder Singh Goswami v. State of Uttaranchal*** has observed that powers under Section 482 Cr.P.C. must be exercised sparingly, carefully and with great caution. Only when the Court comes to the conclusion that there would be manifest injustice or there would be abuse of the process of the Court if such power is not exercised, Court would quash the proceedings.
8. It is further well settled that the offences which are entirely personal in nature and therefore do not affect public peace or tranquillity and where it feels that quashing of such proceedings on account of compromise would bring about peace and would secure ends of justice, it should not hesitate to quash them. In such cases, pursuing prosecution would be waste of time and energy. Non- compoundable offences are basically an obstruction in entering into compromise. In certain cases, the main offence is compoundable but the connected offences are not. In the case of ***B.S. Joshi v. State of Haryana*** (2003) 4 SCC 675 the Apex Court observed that even though the provisions of Section 320 Cr.P.C. would not apply to such offences which are not compoundable, it did not limit or affect the powers under Section 482 Cr.P.C.
9. Taking into the account the totality of facts and circumstances the present FIR No.287/2013 u/s 354A/509/323/34 IPC registered at P.S. Fatehpur Beri, Delhi and all the other proceedings emanating



therefrom are quashed

10. The present petition along with the pending applications, if any, stands disposed of.

DINESH KUMAR SHARMA, J

OCTOBER 23, 2024

Pallavi/HT