



\$~37

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

+ **W.P.(CRL) 1836/2023**

VIVEK VISHAL

.....Petitioner

Through: **Mr. R.D. Tyagi and Mr. Pawan Jain,**
Advocates.

versus

THE STATE GOVERNMENT OF NCT OF DELHI & ORS.

.....Respondent

Through: **Mr. Sanjay Lao, Standing Counsel for**
the State with **SI Vaibhav Singh P.S.**
Sarita Vihar.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

30.01.2025

%

1. The present petition writ has been filed seeking quashing of FIR No. 595/2022 dated 18th December, 2022, registered at P.S. Sarita Vihar for offences under Sections 498A, 406 and 34 of the Indian Penal Code, 1860¹, as well as all consequential proceedings emanating therefrom. This request is made in light of the amicable settlement reached between the parties, as evidenced by the Agreement of Settlement executed on 20th August 2024, between the Petitioner and the Complainant/Respondent No. 3, wife of the Petitioner. A copy of the aforementioned Settlement Agreement has been handed over across the board, and the same is taken on record.

2. Respondent No. 3 is present in person, duly identified by the IO as well as the counsel for the Petitioner. She states that she has no objections to



the quashing of the FIR.

3. The marriage between the Petitioner and Respondent No. 3 was solemnised on 1st July, 2021. It is noted that no child was born from this marriage.

4. In terms of the aforementioned Agreement for Settlement, both parties have returned the respective jewellerys and other articles to each other, and the Petitioner has made a payment of INR 5,00,000/- to Respondent No. 3. Respondent No. 3, has confirmed the receipt of the said amount. Furthermore, both parties have agreed to withdraw all cases filed against each other, including seeking quashing of the impugned FIR. Additionally, the parties have agreed to file a petition for divorce by mutual consent under Section 13(B) of the Hindu Marriage Act, 1955. Notably, under the terms of the Agreement, the Petitioner has committed to deposit a further instalment of INR 5,00,000/- on the date of the judgment in the case for grant of a decree of divorce.

5. At this juncture, it is imperative to emphasise the Court's power under Section 482 of the CrPC to quash criminal proceedings pursuant to a settlement between the parties. In this regard, the Supreme Court in **Narinder Singh & Ors. v. State of Punjab & Anr.**,² has laid down certain guidelines and parameters for the High Courts while accepting settlement and quashing the proceedings:

“29. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the

¹ “IPC”

² (2014) 6 SCC 466.



settlement with direction to continue with the criminal proceedings:

29.1. *Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution.*

29.2. When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:

(i) ends of justice, or

(ii) to prevent abuse of the process of any court.

While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.

29.3. *Such a power is not to be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Similarly, for the offences alleged to have been committed under special statute like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender.*

29.4. *On the other hand, those criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.*

29.5. While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases."

[Emphasis Supplied]

6. In view of the law discussed above as well as the settlement between the parties, the Court is of the considered opinion that this matter deserves to be given a quietus, as the continuation of the present proceedings would serve no fruitful purpose, but rather only amount to an abuse of the judicial process and impose an unwarranted burden on the State Exchequer.



7. Accordingly, the petition is allowed, and FIR No. 595/2022 dated 18th December, 2022 under Sections 498A, 406 and 34 IPC registered at P.S. Sarita Vihar, Delhi and the proceedings emanating therefrom are quashed.
8. The parties shall abide by the terms of settlement.
9. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.

SANJEEV NARULA, J

JANUARY 30, 2025

d.negi