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

+ **W.P.(CRL) 2982/2023**

SH JAGMOHAN

.....Petitioner

Through: Mr. Vinod Dubey and Mr. Eshaan
Goel, Advocates.

versus

STATE NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Anand V. Khatri, ASC (Criminal)
for State.
SI Maneeta, P.S. Ambedkar Nagar.

+ **W.P.(CRL) 575/2025**

RAJKUMAR & ORS.

.....Petitioners

Through: *Appearance not given.*

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: *Appearance not given.*

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

17.02.2025

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1. The present petitions have been filed under article 226 of the Constitution of India, 1950 read with Section 482 of Criminal Procedure Code, 1973¹ (now Section 528 of Bharatiya Nagarik Suraksha Sanhita,

¹ "CrPC"



2023²), seeking quashing of cross FIRs,³ the details of which are as follows:

- (i) In W.P.(CRL) 2982/2023- FIR No. 238/2023 dated 5th June, 2023 under Sections 354/354D/509 of the Indian Penal Code, 1860⁴, registered at P.S: Ambedkar Nagar, District South, New Delhi, and
- (ii) In W.P.(CRL) 575/2025- FIR No. 243/2023 dated 6th June, 2023, under Section 323/509/506/34 of IPC, registered at P.S. Ambedkar Nagar District South, New Delhi.

2. The FIR No. 243/2023 against the accused persons – Mr. Rajkumar, his wife Aarti, his brother Mr. Mahendra, and other family members of Mr. Rajkumar was registered on the complaint made by Mrs. Chandra Prabha, wife of Mr. Jagmohan @chotu; and whereas, FIR No. 238/2023 was filed against Mr. Jagmohan @chotu on a complaint made by Mrs. Aarti, one of the accused in FIR No. 243/2023.

3. Briefly stated, Mrs. Aarti accused Mr. Jagmohan @ Chhotu of persistent harassment. After her husband started working in Jaipur, Chhotu allegedly began making lewd comments, attempting to touch her, and physically accosting her. On 29th May, 2023 he allegedly called her and harassed her. When confronted by her husband, Mr. Raj Kumar the accused is stated to have verbally abused them. She also claims Jagmohan has been banging on her door at night and contacting her children. Pursuant to these incidents and a complaint by Mrs Aarthi, the FIR no. 238/2023 was registered.

4. On the other hand, Mrs. Chandra Prabha, wife of the accused Mr. Jagmohan in the FIR No. 243/2023, filed a complaint stating that her

² “BNSS”

³ “Impugned FIRs”



neighbours, namely, Rajkumar and his wife Aarti, repeatedly requested money from the complainant's husband, citing financial hardship. According to the Complainant, her husband lent Rajkumar money on several occasions, which was not repaid. The complainant and her husband also discussed over the phone about repayment with Mr. Rajkumar. Moreover, Mr. Rajkumar often involved his wife in the matter, who repeatedly made missed calls to the complainant's husband. On 2nd June, 2023, the complainant's husband filed a complaint at Police Station Dr. Ambedkar Nagar, New Delhi, reporting that Rajkumar had threatened to have him falsely implicated in a case. Later that evening, around 10:20 PM, Mr. Rajkumar, along with his brother Mahendra, their wives, and other associates, allegedly attacked the complainant's family at their residence, vandalized the property, and injured family members. The complainant's husband locked the gate to protect the family and called the police. During the attack, Mr. Rajkumar and Mr. Mahendra allegedly stole belongings, behaved aggressively, and threatened to kill the complainant and her family. This led to the registration of FIR No. 243/2023 under Sections 323/509/506/34 of IPC against – Mr. Rajkumar, his wife Arthi, his brother Mahendra, and other family members of Mr. Rajkumar.

5. All of the Petitioners submit that, on the intervention of relatives and respectable persons of society, all of the parties have amicably settled the dispute between themselves. In this regard, the Petitioners, in both cases submit that they have also executed a Memorandum of Understanding⁵ dated 8th June, 2023. The said MoU is executed between the complainants:

⁴ "IPC"

⁵ "MoU"



i. Mrs. Chandra Prabha, (wife of Mr. Jagmohan @chotu) the Complainant in FIR No. 243/2023;

ii. Mrs. Aarthi, (Wife of Mr. Raj Kumar), the Complainant in FIR No. FIR no. 238/2023;

6. As per the MoU, both the complainants – i.e., Mrs. Aarti and Chandra Prabha, have agreed to settle the matter and seek joint quashing of the litigations arising out of the cross FIRs. The other accused in the cross FIRs, namely, Mr Jagmohan, Mr Raj Kumar and Mr. Mahendra also give their consent for the quashing of the FIR. A copy of the MoU has been placed on record, and is perused by the Court. In view of this settlement, the Petitioners present in Court have expressed their unequivocal intent not to pursue the FIR proceedings. They confirm to the Court that they are not under any undue influence or coercion and have taken the decision to settle the matter voluntarily.

7. The Supreme Court in *Gian Singh v. State of Punjab & Anr.*⁶ has clarified that even non-compoundable offences can be quashed on the basis of a settlement between the parties if the circumstances so warrant. The relevant portion of the judgment states:

“11. As discussed above, offence punishable under Section 186/332/353 of the IPC are non compoundable being of serious nature, however, if the Court feels that continuation of criminal proceedings will be an exercise in futility and justice in this case demands that the dispute between the parties is put to an end and peace is restored, it can order for quashing of the FIR or criminal proceedings as it is the duty of the Court to prevent continuation of unnecessary judicial process.

12. In view of the law discussed above, considering the Settlement arrived at between the parties and the statements of respondent no.1 & 2, I am of the considered opinion that this matter deserves to be given a quietus as continuance of proceedings arising out of the FIR in question

⁶ (2012) 10 SCC 303



would be an an exercise in futility.”

8. Further, in *Narinder Singh & Ors. v. State of Punjab & Anr.*,⁷ the Supreme Court held as follows:

“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 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.”

[Emphasis Supplied]

9. Applying the principles laid down in the above decisions, this Court notes that while the offences under Sections 354/354D/509/323/506 of IPC are non-compoundable, the inherent power under Section 482 CrPC allows this Court to quash criminal proceedings in cases where an amicable settlement has been reached.

10. The parties present before the Court are duly identified by the IO, as well as their counsel. Mrs. Chandra Prabha, the Complainant in FIR No. 243/2023 and Mrs. Aarthi, the Complainant in FIR No. FIR no. 238/2023 confirm the MoU dated 8th June, 2023 and state that the parties, with the

⁷ (2014) 6 SCC 466



assistance of their family members, amicably resolved their dispute.

11. While it is true that offences under Sections 354/354D/509/323/506 of IPC are not offences in *personam*, meaning they affect society at large and not just the individual complainant, the Court must also take into account the practical realities of securing a conviction in the present case. The Supreme Court has consistently held that where the chances of conviction are remote due to an amicable settlement between the parties, the Court should consider whether continuing the prosecution would serve any meaningful purpose. Since the Complainants have entered into a voluntary and genuine settlement, and are unwilling to pursue the case, the likelihood of conviction diminishes significantly. Thus, considering the totality of circumstances, the Court is of the view that allowing the prosecution of the impugned FIRs to continue would serve no useful purpose. It would not only be a waste of judicial time but would lead to an unnecessary burden on the State Exchequer. In light of the settled legal position, the present case is fit for quashing under Section 482 of CrPC.

12. However, since the State machinery was set in motion based on the impugned cross FIRs, it is appropriate to impose costs on the Petitioners. Accordingly, all the Petitioners are directed to deposit INR 2,500/- each with the Delhi Police Welfare Fund.

13. In view of the foregoing, the present petitions are allowed and FIR No. 238/2023 dated 5th June, 2023 under Sections 354/354D/509 of the Indian Penal Code, 1860⁸, and FIR No. 243/2023 dated 6th June, 2023, under Section 323/509/506/34 of IPC, both registered at P.S. Ambedkar Nagar are quashed. Accordingly, all proceedings emanating from the above two FIRs



are also quashed.

14. The parties shall abide by the terms of settlement.
15. Accordingly, the petition is disposed of.
16. Pending applications, if any, are disposed of as infructuous.

SANJEEV NARULA, J

FEBRUARY 17, 2025

as

⁸ “IPC”