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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 5685/2024**
PANKAJ KUMARPetitioner

Through: Mr. Abhishek Malhotra, Adv.

versus

THE STATE NCT OF DELHI AND ORS.Respondents
Through: Mr. Aman Usman, APP for State with
SI Ramesh Kumar, PS. Lodhi Colony.

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER
06.02.2025

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1. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.5/2018 under Sections 354/323/506 IPC registered at Police Station Lodhi Colony and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
2. Notice was issued in the present petition on 26.07.2024.
3. The learned APP submits that since the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed.
4. The petitioner has joined through VC whereas the respondent nos. 2(complainant) and 3 are present in Court and they have been identified by their respective counsel, as well as, by the Investigating Officer SI Ramesh Kumar, PS. Lodhi Colony.
5. The brief facts of the case are that the FIR was registered at the instance of the respondent no.2/complainant alleging that the petitioner misbehaved with respondent no.2 and had also pushed her on account of which she



suffered simple injury. It is further alleged that the petitioner also raised hand on the respondent no.3 and extended threats.

6. During the pendency of the proceedings, the parties have arrived at a settlement, terms whereof were reduced in writing in the form of Memorandum of Understanding dated 22.12.2023, which is annexed as Annexure P-3 to the present petition.

7. It is a term of the settlement that the parties with the intervention of family and friends have resolved all their disputes amicably without any coercion or pressure.

8. It is mentioned in the settlement that the respondent nos.2 and 3 will cooperate with the petitioner for the quashing of the present FIR.

9. The respondent nos.2 and 3, on a query posed by the Court, states that they have no objection in case the FIR is quashed.

10. In this regard, reference may advantageously be made to a decision of Co-ordinate bench of this Court in **Jagdish Khatri vs. State of NCT of Delhi and Anr.**¹ wherein it was held as under:

“4. 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

¹ 2023 SCC OnLine Del 1336.



under Section 482 Cr. P.C. for quashing of criminal cases having overwhelmingly and predominantly civil flavour.

5. 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 Jiware v. Scindia v. Sambhajirao Chandrojiroo Angre, (1988) 1 SCC 692.

6. Respondent no. 2 is present in court and has duly been identified by the IO. She states that she has entered into the settlement voluntarily and she has no objection if the FIR is quashed. Affidavit of Respondent no. 2 has also been placed on record.

7. In view of the above, it appears that he 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, the FIR No. 157/2017 under Sections 354 IPC registered at Police Station Sangam Vihar and all the other proceedings emanating therefrom are quashed.

8. The present petition stands disposed of.”

(emphasis supplied)

11. In view of the settlement between the parties, the ultimate chances of conviction in the case are bleak, therefore, continuation of criminal proceedings will not serve any useful purpose and it will be an exercise in futility.

12. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.

13. Consequently, the petition is allowed and the FIR No.5/2018 under Sections 354/323/506 IPC registered at Police Station Lodhi Colony



alongwith all other proceedings emanating therefrom, is quashed.

14. The petition stands disposed of in the above terms.

15. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

FEBRUARY 6, 2025/dss