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

+ **CRL.M.C. 6803/2022**

AJEET MAVI

.....Petitioner

Through: Petitioner with his counsel Mr. Sanser
Pal Singh, Adv.

versus

THE STATE OF NCT OF DELHI AND ANR.Respondents

Through: Mr.Manoj Pant, APP for the State
with Mr.Mukesh Kumar Sharma and
Ms. Shalini Singh, Adv. with SI
Komal, P.S. Jagat Puri.
R-2 with her counsel

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

12.02.2025

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1. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 (hereafter '*Cr.P.C.*') has been filed by the petitioner praying for quashing of FIR No. 40/2019 registered at Police Station Jagat Puri, Delhi for offences punishable under Sections 498A/406/377/376/109/34 of the Indian Penal Code, 1860 (hereafter '*IPC*').
2. Brief facts of the present case are that, marriage between the petitioner and respondent no. 2 was solemnized on 14.11.2016, according to Hindu rites and ceremonies. Thereafter, due to some temperamental differences between the parties, they started living separately. Respondent no.2 had lodged a complaint and later on, the present FIR came to be



registered against the petitioner. Subsequently, the parties had settled the matter before the Delhi Mediation Centre, Karkardooma Courts. The marriage between the petitioner and respondent no. 2 got dissolved by decree of divorce by mutual consent by the learned Trial Court. Accordingly, it is prayed that the present FIR be quashed.

3. The petitioner is present before this Court and has been identified by his counsel and the Investigating Officer (IO) from Police Station Jagat Puri, Delhi.

4. On a query made by this Court, respondent no.2, who has been identified by the IO, has categorically stated that she has entered into a compromise out of her own free will and without any pressure, coercion or threat and an affidavit in this regard has also been placed on record. It is also stated by respondent no.2 that the entire dispute has been amicably settled between the parties.

5. It is submitted that respondent no.2 has settled all her claims in respect of her dowry articles, stridhan, marriage expenses, jewellery, gift items and claims of past, present and future maintenance and permanent alimony with the petitioner.

6. Today, the complainant who is present in Court states that she has received the compromised amount from the petitioner and has no objection if the FIR registered in the present case is quashed.

7. It was observed by the Hon'ble Supreme Court in the case of ***Gian Singh v. State of Punjab, (2012) 10 SCC 303***, that it is encouraged to quash the FIR in circumstances wherein a compromise has been achieved. The relevant extract from the judgment reads as under:

“61. The position that emerges from the above discussion can be



summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz.

- (i) to secure the ends of justice, or
- (ii) to prevent abuse of the process of any court.

In what cases power to quash the criminal proceeding or complaint or FIR may be exercised where the offender and the victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc.; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominating civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, 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. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is



put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

8. Further, it was also observed by the Hon’ble Supreme Court in the case of ***Narinder Singh v. State of Punjab, (2014) 6 SCC 466*** that:

“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.

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,



W.P.(CRL) 1185/2022 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.”

9. In view of the above facts, and that the parties have amicably resolved their differences out of their own free will and without any coercion and also the fact that the present matter is a family matter. I am of the opinion that no useful purpose will be served by continuing the proceedings, rather the same would create further acrimony between them. Hence, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. Moreover, there is no legal impediment in quashing the FIR in question.

10. Accordingly, FIR No. 40/2019 registered at Police Station Jagat Puri, Delhi for the offences punishable under Sections 498A/406/377/376/109/34 of the IPC and all consequential proceedings emanating therefrom are quashed.

11. The petition stands disposed of.

12. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

FEBRUARY 12, 2025/A

Click here to check corrigendum, if any