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

+ **CRL.M.C. 9648/2024**

KISHAN

.....Petitioner

Through: Mr. Prabhash Malik, Vinay Duggal,
Mr. Nagender Singh and Mr. Dishant
Yadav, Advocates along with
petitioner in person.

versus

STATE NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Aman Usman, APP for the State
with SI Amit Kumar, PS Moti Nagar

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

31.01.2025

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Crl. M.A. 37047/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The present petition has been filed under Section 528 BNSS, 2023 seeking quashing of FIR No. 837/2015 under Section 354/354A/365/506/509/34 IPC registered at Police Station Moti Nagar, New Delhi and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
4. Issue notice. The learned APP appearing on behalf of the State



accepts notice.

5. The petitioner as well as the complainant (respondent no. 2) are present in Court whereas the victim has joined through video conferencing. The parties have been identified by the learned counsel for the petitioner as well as by the IO/SI Amit Kumar, Police Station Moti Nagar, New Delhi.

6. The case of the prosecution is that the aforesaid FIR came to be registered on the complaint of respondent no. 2 wherein she alleged misbehaviour by the petitioner with respondent no. 3.

7. During pendency of the proceedings, the petitioner had arrived at a settlement with the respondent nos. 2 & 3 who are close relatives, terms whereof were reduced in writing in the form of Memorandum of Understanding dated 24.07.2024, which is annexed as Annexure E to the present petition.

8. It is a term of the settlement that the respondent nos. 2 and 3 will cooperate with the petitioner for quashing of the aforesaid FIR.

9. The respondent no. 2 who is present in Court while respondent no. 3 has joined through video conferencing, on a query posed by the Court, affirm the factum of settlement and state that they have no objection in case the aforesaid 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.***² 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

² 2023 SCC OnLine Del 1336.



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 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 Jiwajirao 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. 837/2015 under Section 354/354A/365/506/509/34 IPC registered at Police Station Moti Nagar, New Delhi alongwith all other proceedings emanating therefrom, is quashed.

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

VIKAS MAHAJAN, J

JANUARY 31, 2025

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