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

+ **CRL.M.C. 234/2025 & CRL.M.A. 1215/2025**

SUNDER SINGH DHANIK AND ORS

.....Petitioners

Through: Mr. Harish Chand Sharma and Ms.
Poonam B. Sharma, Advocates along
with Petitioners in Person

versus

THE STATE OF NCT OF DELHI AND ANR

.....Respondents

Through: Ms. Richa Dhawan, APP for State
with SI Virender Kumar, PS Aman
Vihar

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

11.02.2025

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1. The present petition has been filed seeking quashing of FIR No. 419/2022 under Sections 323/354A/34/506/509 of the Indian Penal Code, 1860 (IPC) registered at Police Station K.N. Katju Marg on the ground of settlement.
2. The subject FIR has been filed on the complaint of the Respondent No. 2.
3. It is stated that the parties have settled all their disputes in terms of the Memorandum of Understanding (MoU) dated 20.11.2024, which has been filed as Annexure –7 to the petition.
4. Learned counsel for the Petitioners states that Petitioners and Respondent No. 2 are neighbors and that the dispute arose due to a disagreement concerning a drainage pipeline, resulting in a quarrel between



the Petitioners on one side and Respondent No. 2 and her husband on the other.

5. He states that consequently, two cross-FIRs were filed. He states that the subject FIR No. 419/2022 was filed by Respondent no. 2; and FIR No. 418/2022, filed under Sections 323/354A/509/34 of the IPC registered at Police Station K.N. Katju Marg was filed by Petitioner no. 2 against the husband of Respondent no. 2.

6. The parties are personally present before this Court and are identified by their respective counsels and by the Investigation Officer ('IO').

7. This Court notes that the chargesheet has already been filed in the subject FIR and that the matter is currently listed for the framing of charges. Since Respondent No. 2 has invoked Section 354-A of the IPC a provision introduced through the Criminal Amendment Act, 2013¹, in the wake of the 2012 Delhi gang-rape incident for the protection and empowerment of women, this Court deemed it appropriate to interact with Respondent No. 2 before considering the quashing of the FIR and the proceedings emanating therefrom.

8. Respondent No. 2 has stated that she has voluntarily and without coercion executed the aforementioned MoU and does not wish to pursue the subject FIR, given that the dispute has been amicably settled. However, this Court is not convinced by the explanation provided by Respondent No. 2 regarding the invocation of Section 354A. The Court has read out the allegations made by Respondent No. 2 against the Petitioners concerning the application of Section 354-A IPC and has questioned the Respondent No. 2 whether the such an incident indeed occurred or Respondent No. 2 has



deliberately given false information to the I.O. to invoke the rigours of Section 354A IPC.

9. However, Respondent No. 2 has declined to answer the question of this Court and has failed to offer any justification for first making such a serious allegation and now seeking to withdraw the same.

10. This Court is conscious that Section 528 of the Bhartiya Nagarik Nayay Sanhita, 2023 (BNSS), formerly Section 482 of the Code of Criminal Procedure, confers broad discretionary powers upon this Court to secure the ends of justice. In **Parbatbhai Aahir v. State of Gujarat**², the Supreme Court has opined that while exercising the power under Section 482 CrPC to quash FIRs and proceedings emanating therefrom, Courts must ensure that justice is upheld and prevent abuse of judicial processes. The relevant extract of the said judgement reads as under: -

“16.3. In forming an opinion whether a criminal proceeding or complaint should be quashed in exercise of its jurisdiction under Section 482, the High Court must evaluate whether the ends of justice would justify the exercise of the inherent power.

16.4. **While the inherent power of the High Court has a wide ambit and plenitude it has to be exercised (i) to secure the ends of justice, or (ii) to prevent an abuse of the process of any court.**

16.5. The decision as to whether a complaint or first information report should be quashed on the ground that the offender and victim have settled the dispute, revolves ultimately on the facts and circumstances of each case and no exhaustive elaboration of principles can be formulated.

16.6. **In the exercise of the power under Section 482 and while dealing with a plea that the dispute has been settled, the High Court must have due regard to the nature and gravity of the offence. Heinous and serious offences**

¹ No. 13 of 2013

² (2017) 9 SCC 641



involving mental depravity or offences such as murder, rape and dacoity cannot appropriately be quashed though the victim or the family of the victim have settled the dispute. Such offences are, truly speaking, not private in nature but have a serious impact upon society. The decision to continue with the trial in such cases is founded on the overriding element of public interest in punishing persons for serious offences.”

(Emphasis Supplied)

11. A coordinate bench of this Court in **Dr. Karunakar Patra v. State**³ has expressed its disapproval on the misuse of special enactments for purposes other than those intended. The Court noted that such actions by certain individuals cast doubt on the legitimacy of claims made by genuine victims. The relevant extract of the judgment reads as follows:

“15. This Court expresses its anguish at how provisions such as Sections 354A/506 IPC are falsely invoked at the drop of a hat to register one’s displeasure at the conduct of another individual. This merely trivialises the offence of sexual harassment and casts a doubt on the veracity of the allegations filed by every other victim who has in reality faced sexual harassment, thereby setting back the cause of women empowerment.”

(Emphasis Supplied)

12. Furthermore, in **Rinku Baheti v. Sandesh Sharda**⁴, while dealing with a matrimonial dispute, the Supreme Court observed that although criminal law provisions are designed to protect and empower women, they are sometimes misused for unintended purposes. The Supreme Court further emphasized that women must recognize that these stringent legal provisions are beneficial legislations meant for their welfare, not tools for coercion, threats, domination, or extortion.

³ 2022:DHC:294

⁴ 2024 SCC OnLine SC 3801



“10. The provisions in the criminal law are for the protection and empowerment of women but sometimes are used by certain women more for purposes that they are never meant for. In recent times, the invocation of Sections 498A, 376, 377, 506 of the IPC as a combined package in most of the complaints related to matrimonial disputes is a practice which has been condemned by this Court on several occasions. In certain cases, the wife and her family tend to use a criminal complaint with all the above serious offences as a platform for negotiation and as a mechanism and a tool to get the husband and his family to comply with their demands, which are mostly monetary in nature. Sometimes this is done in a fit of rage after a marital dispute, while at times it is a planned strategy in other cases. Unfortunately, it is not just the parties who are involved in this abuse of the process of law. They are understandably fuelled by the emotions of the situation. But other stakeholders also worsen the situation as they may often devise such crafty strategies for the women to adopt such arm-twisting tactics for their ulterior motives. Further, the police personnel are sometimes quick to jump into action in selective cases and arrest the husband or even their relatives including aged and bedridden parents and grand-parents of the husband. The trial courts are hesitant in granting bail to the accused persons being swayed by the “gravity of the offences” mentioned in the FIR. The collective effect of this chain of events is often overlooked by the actual individual players involved therein, which is that even minor disputes between husband and wife tend to snowball into ugly prodigious battles of ego and reputation and washing dirty linen in public, eventually leading to the relationship turning sour to the extent that there remains no possibility of a reconciliation or cohabitation. **The women need to be careful about the fact that these strict provisions of law in their hands are beneficial legislations for their welfare and not means to chastise, threaten, domineer or extort from their husbands.”**

(Emphasis Supplied)

13. In the facts of this case, it appears that Respondent no. 2 filed subject FIR No. 419/2022 invoking allegations which attract Section 354-A IPC as a



mere counterblast to the complaint lodged by Petitioner no. 2 against the husband of Respondent no. 2, which has been registered as FIR No. 418/2022 also under Section 354-A IPC. The cross-FIRs were filed over a water drainage pipe dispute between neighbours to settle scores. It is unfortunate that Petitioner no. 2 and Respondent no. 2 respectively have made serious allegations attracting Section 354-A IPC.

14. The conduct of the parties in first making such serious allegations without any impunity and then entering into a mutual settlement for quashing of the cross-FIRs on a presumption that the Constitutional Court should act as a rubber stamp to their whim and wishes, exhibits absolute disregard for the rule of law and shows lack of regard for the majesty of law. In the facts of this case, having interacted with the parties this Court is of the firm opinion that these parties have no regard for the majesty of the Court and they both have misused the process of law to settle personal scores.

15. Keeping in view the facts of this case, and after considering the aforementioned judgments, this Court is of the considered opinion that quashing the subject FIR on the sole basis of a settlement between the parties would not only amount to an abuse of the legal process but also set an incorrect precedent, whereby statutory provisions enacted to protect the vulnerable women could be misused as instruments of coercion. The criminal justice system cannot be reduced as a bargaining tool for private settlements, particularly in cases involving allegations of sexual harassment, which have far-reaching implications on the societal perception of justice. The quashing of an FIR under Section 354A IPC, solely on account of a compromise, would erode the deterrent effect of laws designed to protect women from harassment and exploitation. It would also encourage the



misuse of these provisions by individuals seeking to settle personal scores rather than seeking legitimate legal recourse.

16. Accordingly, this Court does not find it appropriate to exercise its discretionary power under Section 528 of the BNSS to quash the subject FIR and proceeding emanating therefrom. Instead, it is imperative that such cases are adjudicated on their merits to ensure that false claims, if any, are discouraged while simultaneously safeguarding the rights of genuine victims. In the facts of this case, the Trial Court may consider proceeding against the complainant for perjury, if it comes to the conclusion that the complainant has made a false statement while initiating the criminal process by filing the complaint which was registered as an FIR.

17. With the aforesaid directions the present petition is disposed of along with all pending applications.

18. The registry is directed to send the copy of this Order to the Trial Court where the FIR No. 419/2022 dated 14/07/2022 registered at Police Station K.N. Katju Marg is pending adjudication.

19. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J
FEBRUARY 11, 2025/rhc/AKT