

# Sahib Singh Saini & Anr vs State & Anr on 4 October, 2023

**Author: Jyoti Singh**

**Bench: Jyoti Singh**

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\* IN THE HIGH COURT OF DELHI AT NEW DELHI  
+ CRL.M.C. 7138/2023

SAHIB SINGH SAINI & ANR.

Through: Mr. Harbeer Singh  
with Petitioners No.1 and

STATE & ANR.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

% 04.10.2023 CRL. M.A. 26722/2023 (Exemption)

1. Allowed, subject to all just exceptions.

2. Application stands disposed of.

CRL.M.C. 7138/2023 and CRL. M.A. 26636/2023 (stay)

3. Present petition has been filed by the Petitioners under Section 482 Cr.P.C. seeking quashing of FIR No.205/2014 dated 13.03.2014 under Sections 435/506/34 IPC, registered at PS: Paschim Vihar, Delhi including consequential proceedings emanating therefrom.

4. Issue notice.

5. Learned APP accepts notice on behalf of the State.

6. Mr. Mani Bhadra Jain, learned counsel accepts notice on behalf of Respondent No. 2.

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7. It is stated in the petition that Respondent No. 2, the Complainant resides at the first floor of the same building where Petitioner No. 1 resides with his family. Second floor is owned by the mother of Petitioner No. 1 and third floor is owned by Respondent No. 2's family. Families of both parties have had very cordial and peaceful relationships for the past 30 years and have been living as good neighbours. During January/February, 2014 differences arose between the families of Petitioner No. 1 and Respondent No. 2 in respect of some construction work carried out on the roof of the second floor of the building which escalated into civil disputes as well as the filing of a complaint by Respondent No. 2 resulting in the present FIR. Another FIR bearing No. 207/2014 was registered under Sections 354/356/379/323/506/34 IPC against Respondent No.2, his brother and other family members at the instance of mother of Petitioner No. 1. A third FIR bearing No. 470/2014 was registered for offences punishable under Sections 323/341/354/354B/386/506/34 IPC read with 3(1)(x), (xi) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 at the behest of sister-in-law of Respondent No. 2.

8. It is further stated in the petition that FIR No. 470/2014 was quashed by this Court on 23.05.2018 in CRL.M.C. 2881/2018 while FIR No. 207/2014 was quashed vide order dated 14.09.2023 in CRL.M.C. 1580/2023 based on the settlement between the parties thereto. It is further stated that in the present case also Petitioners and Respondent No. 2 have arrived at an amicable settlement of all their disputes and a Settlement Deed has been executed on 07.09.2023. Respondent No. 2 has also filed an affidavit in support of the present petition stating that he has no objection to the present FIR being quashed.

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9. Petitioners and Respondent No. 2 are present in Court and have been identified by their respective counsels and the Investigating Officer Rajat Khaiwal, PS Paschim Vihar. Settlement Deed executed between the parties is annexed as Annexure P-4 to the petition and the affidavit of No Objection is Annexure P-5. Respondent No. 2 states that the parties have had cordial relationships for over three decades and it is unfortunate that on account of some construction activity acrimony occurred between the parties, however, parties wish to live as good neighbours peacefully in the future and therefore Respondent No. 2 voluntarily supports the quashing of the FIR.

10. The Supreme Court in Gian Singh v. State of Punjab and Another, (2012) 10 SCC 303, held as follows:-

"58. Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. No doubt, crimes are acts which have

harmful effect on the public and consist in wrongdoing that seriously endangers and threatens the well-being of the society and it is not safe to leave the crime-doer only because he and the victim have settled the dispute amicably or that the victim has been paid compensation, yet certain crimes have been made compoundable in law, with or without the permission of the court. In respect of serious offences like murder, rape, dacoity, etc., or other offences of mental depravity under IPC or offences of moral turpitude under special statutes, like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, the settlement between the offender and the victim can have no legal sanction at all. However, certain offences which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions or the offences arising out of matrimony, particularly relating to dowry, etc. or the family dispute, where the wrong is basically to the victim and the offender and the victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable, the High Court may within the framework of its inherent power, quash the criminal proceeding or criminal complaint or FIR if it is This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 08/10/2023 at 20:56:54 satisfied that on the face of such settlement, there is hardly any likelihood of the offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated. The above list is illustrative and not exhaustive. Each case will depend on its own facts and no hard-and-fast category can be prescribed."

11. In a later judgment in the case of Narinder Singh and Others v. State of Punjab and Another, (2014) 6 SCC 466, the Supreme Court reiterated the proposition and relevant paragraphs are as follows:-

"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, 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."

12. In *Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and Others v. State of Gujarat and Another*, (2017) 9 SCC 641, the Supreme This is a digitally signed order.

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"16.7. As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing insofar as the exercise of the inherent power to quash is concerned.

16.8. Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute.

16.9. In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice; and"

13. It is trite that inherent powers of the High Court under Section 482 Cr.P.C. should be sparingly exercised and with great caution, as held in *Inder Mohan Goswami and Another v. State of Uttaranchal and Others*, (2007) 12 SCC 1, however, it is equally well settled that where the High Court is convinced that the allegations are entirely personal in nature and the disputes are private, which do not affect public peace and tranquility and that quashing of the proceedings on account of compromise could bring harmony between parties and secure ends of justice, it should not hesitate to quash the proceedings. In such cases, in fact, continuing with the prosecution would be a burden on the judicial system and Police machinery as well as the public exchequer.

14. In the present case, Petitioners and Respondent No. 2 have settled all their disputes in view of the fact that the parties and their families have enjoyed cordial relationships with each other over the years and they want to maintain peace and harmony instead of bitterness in the relationship. Two This is a digitally signed order.

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15. Accordingly, FIR No.205/2014 dated 13.03.2014 under Sections 435/506/34 IPC, registered at PS: Paschim Vihar, Delhi is hereby quashed alongwith consequential proceedings emanating therefrom. This would, however, be subject to Petitioners depositing a sum of Rs.15,000/- each in favour of 'India's Bravehearts, Bharat Ke Veer Corpus Fund' at Managing Trustee, CRPF, Directorate General, CGO Complex, Lodhi Road, New Delhi-110003 within a period of 04 weeks from today. Proof in support thereof shall be filed with the Registry within one week thereafter and in case of failure to comply with the said direction, petition will be listed before Court by the Registry.

16. Petition stands disposed of, in the aforesaid terms alongwith pending application.

JYOTI SINGH, J OCTOBER 04, 2023/ck/shivam This is a digitally signed order.

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