

Mayank Aggarwal And Ors vs State Of Nct Of Delhi And Anr. & Anr on 2 April, 2024

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ CRL.M.C. 2580/2024
MAYANK AGGARWAL
AND ORS

..... Petitioners
Through: Mr. Shashank Goswami
Mr. Prateek Goswami,
Advs.
P1 & P2 in person
P3, P4 & P5 through

ver

STATE OF NCT OF DELHI AND
ANR. & ANR.

..... Responden
Through: Mr. Utkarsh, AP
State
Inspector Dalje
North Rohini
Ms. Reema Singh
for R2
R2 through VC

+ W.P.(CRL.) 1022/2024
MAYANK AGGARWAL
& ORS.

Through:

ver

STATE OF NCT OF DELHI
& ANR.

..... Respondent
Through: Mr. Sanjeev Bhan
ASC for the Stat
Mr. Rahul Tyagi,
with Ms. Priya R
Sangeet Sibou, M
and Mr. Mathew M
Philip, Adv.
SI Munish, PS- N
Rohini

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CRL.M.C. 2580/2024 & W.P.(CRL.) 1022/2024

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CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN
ORDER

% 02.04.2024 CRL.M.A. 9858/2024 in CRL.M.C. 2580/2024 (for exemption) CRL.M.A. 9672/2024 in W.P.(CRL.) 1022/2024 (for exemption)

1. Exemptions allowed, subject to all just exceptions.
 2. These applications stand disposed of. CRL.M.C. 2580/2024 & W.P.(CRL.) 1022/2024
 3. The present petitions are filed under Section 482 of the Code of Criminal Procedure, 1973 (CrPC) seeking quashing of FIR No. 253/2022 dated 22.05.2022 registered at Police Station North Rohini for offence under Sections 498A/406/377/354/34 of the Indian Penal Code, 1860 (IPC) and FIR No. 309/2022 dated 30.06.2022 registered at Police Station North Rohini for offences under Section 379 of the IPC. Both the FIRs were registered on a complaint filed by Respondent No.2.
 4. It is averred that the marriage between Petitioner No. 1 and Respondent No. 2 was solemnized on 18.01.2019 as per Hindu rites and ceremonies and no child was born out of the said wedlock. Thereafter, due to matrimonial discord, some misunderstandings took place between them, due to which they have been living separately.
 5. The present petition is filed on the ground that with the intervention and efforts of well-wishers, friends and relatives, the parties have amicably settled all their disputes on their own will, 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 26/04/2024 at 21:15:46 and without any undue influence or duress, by way of Settlement Deed dated 18.12.2023. In terms of the Memorandum of Understanding, the parties have agreed that they will approach and appear before this Court seeking quashing of cross-FIR No. 253/2022 and FIR No. 309/2022.
6. Petitioner No. 1 and Respondent No.2 have already obtained a decree of divorce by mutual consent, and they intend to live their future lives peacefully.
 7. In terms of the Settlement Deed dated 18.12.2023, out of the total settlement amount for a sum of 80,00,000/- (Eighty Lakhs Only), an amount of 55,00,000/- (Rupees Fifty Five Lakhs only) already stands paid to Respondent No. 2, and the balance settlement amount of 25,00,000/- (Rupees Twenty Five Lakhs Only) is handed over to Respondent No.2 in Court today by way of Demand Draft No. 032422 dated 26.03.2024, drawn on HDFC Bank.

8. Petitioner Nos. 1 and 2 in CRL.M.C. 2580/2024 and W.P.(CRL.) 1022/2024 are present in person and rest of the parties in both cases are present through video-conferencing. The parties have been duly identified by the Investigating Officer.

9. The parties state that they have resolved all their disputes and they have no objection if the proceedings arising out of the present FIRs are quashed.

10. Offence under Section 406 of the IPC is compoundable whereas offence under Sections 354/377/379/498A of the IPC are non-compoundable.

11. It is well settled that the High Court while exercising its powers under Section 482 of the CrPC can compound offences which are non-compoundable under the Code on the ground that 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 26/04/2024 at 21:15:47 there is a compromise between the accused and the complainant. The Hon'ble Apex Court has laid down parameters and guidelines for High Court while accepting settlement and quashing the proceedings. In the case of Narinder Singh & Ors. v. State of Punjab & Anr. : (2014) 6 SCC 466, the Hon'ble Supreme Court had observed as under :-

"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 This is a digitally signed order.

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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.

29.5. While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases."

(emphasis supplied)

12. Similarly, in the case of Parbatbhai Aahir & Ors. v. State of Gujarat & Anr. : (2017) 9 SCC 641, the Hon'ble Supreme Court had observed as under :-

"16. The broad principles which emerge from the precedents on the subject, may be summarised in the following propositions:

16.1. Section 482 preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court.

16.2. The invocation of the jurisdiction of the High Court to quash a first information report or a criminal proceeding on the ground that a 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 26/04/2024 at 21:15:49 settlement has been arrived at between the offender and the victim is not the same as the invocation of jurisdiction for the purpose of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of Section 320 of the Code of Criminal Procedure, 1973. The power to quash under Section 482 is attracted even if the offence is non-compoundable.

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 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. 16.7. As distinguished from serious offences, there may be criminal cases which have an 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 26/04/2024 at 21:15:50 overwhelming or predosminant 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 16.10. There is yet an exception to the principle set out in propositions 16.8. and 16.9. above. Economic offences involving the financial and economic well-being of the State have implications which lie beyond the domain of a mere dispute between private disputants. The High Court would be justified in declining to quash where the offender is involved in an activity akin to a financial or economic fraud or misdemeanour. The consequences of the act complained of upon the financial or economic system will weigh in the balance."

(emphasis supplied)

13. Keeping in view the nature of the dispute and that the parties have amicably entered into a settlement, this Court feels that no useful purpose would be served by keeping the dispute alive and continuance of the proceedings would amount to abuse of the process of Court. I am of the opinion that this is a fit case to exercise discretionary jurisdiction under Section 482 of the CrPC.

14. In view of the above, cross-FIR Nos. 253/2022 and 309/2022 and all consequential proceedings arising therefrom are quashed.

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15. The present petitions are allowed in the aforesaid terms.

16. A copy of this order be placed in both the matters.

AMIT MAHAJAN, J APRIL 2, 2024 "SS"

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