

# Aman Nagpal And Ors vs State And Anr on 20 March, 2024

**Author: Jyoti Singh**

**Bench: Jyoti Singh**

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IN THE HIGH COURT OF DELHI AT NEW DELHI  
CRL.M.C. 2310/2024 and CRL.M.A. 8899/2024  
AMAN NAGPAL AND ORS.

STATE AND ANR.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

% 20.03.2024

1. This joint petition under Section 482 Cr.P.C. is seeking quashing of FIR No. 368/2020 dated 30.10.2020 registered under Sections 498A/406/34 IPC at PS: South Rohini, including proceedings emanating therefrom. Charge sheet has been filed in which Sections 354/376/377 IPC and Section 4 of the Dowry Prohibition Act, 1961 were added.

2. Marriage between Petitioner No. 1 and Respondent No. 2 was solemnized on 14.11.2019 according to Hindu rites, customs and ceremonies This is a digitally signed order.

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3. It is further stated that the parties have resolved all their disputes before the Delhi High Court Mediation & Conciliation Centre and a Settlement Agreement was executed on 10.02.2021, incorporating the settlement terms, copy of which has been placed on record as Annexure-3. As per the terms of settlement, Petitioner No.1 had agreed to pay a sum of Rs.18,25,000/- to Respondent No.2/ Complainant, out of which the balance amount of Rs.3,00,000/- has been paid to the Complainant today vide D.D. No.038245 dated 16.02.2024, copy of the same is handed over in Court and taken on record. It is stated that marriage between the parties has been dissolved vide judgment & Decree dated 03.01.2024.

4. Issue notice.

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

6. Mr. K. Singhal, learned counsel accepts notice on behalf of Respondent No.2.

7. Petitioners and Respondent No. 2 are present in Court and are identified by their respective counsels as well as Investigating Officer SI Ravindra, PS: South Rohini.

8. Respondent No. 2 submits that entire settlement amount has been paid to her and hence, she has no objection to the FIR being quashed as the marriage between her and Petitioner No. 1 stands dissolved and all other disputes have been amicably settled with all the Petitioners.

9. Complainant further states that there are some pending litigation This is a digitally signed order.

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10. The Supreme Court in *Gian Singh v. State of Punjab and Another*, (2012) 10 SCC 303, observed that while exercising inherent powers under Section 482 Cr.P.C. in respect of quashing of an FIR where parties have entered into amicable resolution of the disputes, one of the considerations would be whether it would be unfair or contrary to the interest of justice to continue the criminal proceedings despite the compromise and if the answer to the question is in the affirmative, the High Court would be well within its jurisdiction to quash the criminal proceedings, in order to ensure that the disputes are put to an end and peace is restored as securing the ends of justice is the ultimate guiding factor. This was of-course with a caveat that heinous and serious offences of mental depravity or offences like murder, dacoity etc. cannot be fittingly quashed even though the victim or the victim's family settles the disputes with the offender. Relevant paragraphs of the judgment are as follows:-

"55. In the very nature of its constitution, it is the judicial obligation of the High Court to undo a wrong in course of administration of justice or to prevent continuation of unnecessary judicial process. This is founded on the legal maxim *quando lex aliquid alicui concedit, conceditur et id sine qua res ipsa esse non potest*. The full import of which is whenever anything is authorised, and especially if, as a matter of duty, required to be done by law, it is found impossible to do that thing unless something else not authorised in express terms be also done, may also be done, then that something else will be supplied by necessary intendment. *Ex debito justitiae* is inbuilt in such exercise; the whole idea is to do real, complete and substantial justice for which it exists. The power possessed by the High Court under Section 482 of the Code is of wide amplitude but This is a digitally signed order.

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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 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.

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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 This is a digitally signed order.

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question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding."

11. The Supreme Court has consistently reaffirmed this view and in the context of matrimonial disputes, it would be relevant to refer to the observations of the Supreme Court in *Jitendra Raghuvanshi and Others v. Babita Raghuvanshi and Another*, (2013) 4 SCC 58, relevant paragraphs of which are as follows:-

"15. In our view, it is the duty of the courts to encourage genuine settlements of matrimonial disputes, particularly, when the same are on 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 25/03/2024 at 20:47:54 considerable increase. Even if the offences are non-compoundable, if they relate to matrimonial disputes and the Court is satisfied that the parties have settled the same amicably and without any pressure, we hold that for the purpose of securing ends of justice, Section 320 of the Code would not be a bar to the exercise of power of quashing of FIR, complaint or the subsequent criminal proceedings.

16. There has been an outburst of matrimonial disputes in recent times. The institution of marriage occupies an important place and it has an important role to play in the society. Therefore, every effort should be made in the interest of the individuals in order to enable them to settle down in life and live peacefully. If the parties ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a court of law, in order to do complete justice in the matrimonial matters, the courts should be less hesitant in exercising their extraordinary jurisdiction. It is trite to state that the power under Section 482 should be exercised sparingly and with circumspection only when the Court is convinced, on the basis of material on record, that allowing the proceedings to continue would be an abuse of process of court or that the ends of justice require that the proceedings ought to be quashed. We also make it clear that exercise of such power would depend upon the facts and circumstances of each case and it has to be exercised in appropriate cases in order to do real and substantial justice for the administration of which alone the courts exist. It is the duty of the courts to encourage genuine settlements of matrimonial disputes and Section 482 of the Code enables the High Court and Article 142 of the Constitution enables this Court to pass such orders."

12. Parties have mutually settled all their disputes. Marriage between Petitioner No.1 and Respondent No.2 stands dissolved. Settlement amount has been paid to Respondent No. 2. In view of the settlement between the parties and the categorical stand of Respondent No.2 that she does not want to pursue the complaint, no useful purpose will be achieved in continuing the criminal proceedings emanating from the subject FIR as the chances of conviction are bleak and it would be

in the interest of justice that the proceedings are terminated. It is settled that where criminal proceedings arise essentially out of matrimonial dispute and parties decide to bury the hatchet, Court must examine the likelihood of criminal prosecution resulting This is a digitally signed order.

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13. Accordingly, FIR No. 368/2020 dated 30.10.2020 registered under Sections 498A/406/34 IPC at PS: South Rohini, is quashed including proceedings emanating therefrom.

14. Petition stands allowed and disposed of along with pending application.

JYOTI SINGH, J MARCH 20, 2024 B.S. Rohella This is a digitally signed order.

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