

## Anupreet Sekhon & Ors vs The State & Ors on 13 May, 2024

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\* IN THE HIGH COURT OF DELHI AT NEW DELHI  
+ CRL.M.C. 3064/2019, CRL.M.A. 1  
CRL.M.A. 16187/2021, CRL.M.A.  
CRL.M.A. 8170/2022 & CRL.M.A. 5370/202

ANUPREET SEKHON & ORS

Thr

ver

THE STATE & ORS

Through:

+ CRL.M.C. 3069/2019 & CRL.M.A. 12355/20  
BARINDER PAL SINGH BRAR & ORS

Thr

ver

NCT OF DELHI & ANR

Through:

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CRL.M.C. 3064/2019 & CRL.M.C. 3069/2019

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CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

% 13.05.2024

1. The present petitions are filed under Section 482 of the Code of Criminal Procedure, 1973 (CrPC) seeking quashing of cross FIRs, being FIR No.194/2016 and FIR No.195/2016 both dated 28.03.2016 for offences punishable under Sections 323/354/506/34 and Sections 323/354/506/509/34 of the Indian Penal Code, 1860 (IPC) respectively, both registered at Police Station Dwarka South.

2. The complainants in both the matters were married to and due to matrimonial acrimony, initiated multiple proceedings against each other.

3. The FIR No. 194/2016 was registered at the instance of Barinder Pal Singh Brar (husband) and the FIR No. 195/2016 was registered at the instance of Anupreet Sekhon (wife). Both the FIRs were registered pursuant to a scuffle which took place on 19.03.2016, when the husband, Barinder Pal Singh had to meet the child in the child room at Dwarka District Court. On the date of the alleged incident, when the child was being taken to the washroom a scuffle took place between the parties, which led to the registration of the present FIRs.

4. The parties entered into an amicable settlement and executed an agreement dated 13.09.2018 and filed the present petitions before this Court. During the pendency of the proceedings, the parties were referred to the mediation and another settlement agreement dated 13.08.2019 was executed between the parties.

5. The learned counsel for Barinder Pal Singh Brar / husband This is a digitally signed order.

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6. The learned counsel for the Anupreet Sekhon / wife, however, submits that there have been certain disputes with regard to the custody of the child which form part of the subsequent settlement dated 13.08.2019.

7. It is, however, not disputed that the separate proceedings have already been initiated in that regard before the concerned Courts in Chandigarh.

8. Be that it may be, since the proceedings in regard to the allegations that some of the terms have not been complied with have already been initiated before the concerned Courts and the parties have admittedly settled their other disputes, this Court considers it apposite to quash the proceedings arising out of the FIR No.194/2016 and FIR No.195/2016.

9. 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 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 This is a digitally signed order.

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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 This is a digitally signed order.

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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)

10. Keeping in view the nature of dispute and that the parties have amicably entered into a settlement, the pendency of the proceedings, in the opinion of this Court, will only cause further heart burn. The parties have since moved on and in regard to the remaining issues, the proceedings have already been initiated. The pendency of the proceedings in relation to present FIRs would be an abuse of process of the Court. I am of the opinion that this is a fit case to exercise discretionary jurisdiction under Section 482 of the CrPC.

11. In view of the above, FIRs being FIR No.194/2016 and FIR No. 195/2016, and all consequential proceedings arising therefrom, are quashed.

12. It is made clear that in terms of the judgement passed by the Hon'ble Supreme Court in Ganesh v. Sudhirkumar Shrivastava & Ors : 2019 SCC OnLine SC 1107, the legal rights of the minor child will not be affected in any manner whatsoever.

13. It is also made clear that any observations made by this Court shall not come in the way of the learned Concerned Court considering the dispute in relation to the proceedings qua the custody of the child in Chandigarh, that is in, C.M. No.264/2021 and Application under Section 28-A of the Hindu Marriage Act, 1955 read with Section 151 of the Code of Civil Procedure, 1908 This is a digitally signed order.

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14. The present petition is allowed in the aforesaid terms.

15. A copy of this order be placed in all the matters.

AMIT MAHAJAN, J MAY 13, 2024 "SK"

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