

Rajesh Kumar & Ors vs State (Govt Of Nct Of Delhi) & Anr on 14 September, 2021

Author: Subramonium Prasad

Bench: Subramonium Prasad

\$~30

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

CRL.M.C. 1984/2021

RAJESH KUMAR & ORS

..... Petitioners

Through

Mr. Ajay Singh and Mr. Sushant
Kumar, Advocates with petitioners in
person

versus

STATE (GOVT OF NCT OF DELHI) & ANR

..... Respondents

Through

Ms. Meenakshi Chauhan, APP for the
State with SI Chandan, PS K N K
Marg
Complainant in person

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% 14.09.2021

1. The present petition under Section 482 Cr.P.C. has been filed for quashing FIR No.110/2017 dated 04.03.2017 registered at Police Station K N Katju Marg for the offences punishable under Sections 323, 341, 351, 506 and 34 IPC on the ground that the parties have amicably settled their disputes.
2. The allegation against the petitioners in the FIR is that they harassed, threatened and beat the complainant for vacating the flat in which the complainant was residing.
3. It is stated that the parties have amicably resolved their disputes by a Memorandum of Understanding dated 03.02.2021. The complainant/respondent No.2 has filed his affidavit (page No.27 of the paper book) affirming the fact that he has amicably settled all his disputes with the petitioners in the abovementioned FIR.
4. Today, the petitioners and complainant/respondent No.2 have joined the proceedings through video conferencing. The complainant has been identified by SI Chandan, PS K N K Marg. The complainant/respondent No.2 states that he has settled all his disputes with the petitioners out of his own free will, without pressure, coercion or undue influence.

5. While exercising its power under Section 482 Cr.P.C., High Court is guided by the material on record as to whether the ends of justice would justify such exercise of power. The Supreme Court in *Gian Singh v. State of Punjab* reported as (2012) 10 SCC 303 observed as under:

"61.....But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding."

6. In view of the MOU arrived at between the parties, this Court is of the opinion that no useful purpose will be served in continuing with the present proceedings. Resultantly, the FIR No.110/2017 dated 04.03.2017 registered at Police Station K N Katju Marg for the offences punishable under Sections 323, 341, 351, 506 and 34 IPC and the proceedings emanating therefrom are hereby quashed. The parties shall remain bound by the terms of the settlement and the undertaking given to the Court.

7. Though the parties have amicably settled their disputes but looking into the allegations against the petitioners, this Court is inclined to impose costs of Rs.10,000/- on each of the petitioners. The amount shall be deposited to 'Army Welfare Battle Fund Casualties'. Copy of the receipt shall be filed in the Registry within three weeks from today.

8. The petition stands disposed of in above terms.

SUBRAMONIUM PRASAD, J SEPTEMBER 14, 2021 hsk