

Sh. Daljeet Singh Anand And Ors vs The State Govt. Of Nct Of Delhi And Anr on 25 February, 2025

Author: Sanjeev Narula

Bench: Sanjeev Narula

\$~59

*

+

IN THE HIGH COURT OF DELHI AT NEW DELHI
CRL.M.C. 840/2025 & CRL.M.A. 3934/2025
SH. DALJEET SINGH ANAND AND ORS.

THE STATE GOVT. OF NCT OF DELHI AND ANR.

Through: Mr. Hemant Mehla,
SI Pawan Kumar, P

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

% 25.02.2025

1. The present petition filed under Section 582 of the Bharatiya Nagarik Suraksha Sanhita, 20231 (formerly 482 of the Code of Criminal Procedure, 19732) seeks quashing of FIR No. 258/20193 dated 2nd July, 2019 registered under Sections 498A/406/24 of the Indian Penal Code, 18604 at P.S. Mukherjee Nagar and all consequential proceedings arising therefrom.

2. Petitioner No. 1 is the husband of Respondent No. 2. Petitioners No. 2 and 3 are the in-laws of Respondent No. 2. The marriage between Petitioner No. 1 and Respondent No. 2 was solemnized on 28th November, 2010 as per Hindu rites and ceremonies. One child namely Mr. Kunwar Preet Singh was "BNSS"

Cr.P.C.

"the impugned FIR"

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 25/02/2025 at 22:39:42 born from the said marriage. However, due to matrimonial discord, the relationship between the

parties deteriorated. Several efforts for reconciliation were made but to no avail. As a result, Respondent No. 2 lives separately with their son.

3. Subsequently, Respondent No.2 made a complaint against Petitioners, alleging that she was subjected to cruelty by them, which later culminated into the impugned FIR.

4. The present petition is filed on the ground that the matter is amicably settled between the parties on their own free will, without any coercion, pressure or undue influence and a Settlement Deed dated 11th October, 2022 has been executed by Petitioner No. 1 and Respondent No. 2. As per the terms of the settlement, Respondent No. 2 has agreed to withdraw all proceedings pending before various Courts. Pursuant to the settlement, Petitioner No. 1 and Respondent No.2 have obtained a decree of divorce by mutual consent through order dated 5th July, 2023 passed by the Family Court, North District, Rohini Courts.

5. On 12th February, 2025, the pre-verification report was prepared by the Joint Registrar and the statement of Respondent No. 2 was recorded and the following order was passed:

"Today, statement of respondent no. 2 & petitioner no. 1 has been recorded to ascertain the veracity and the genuineness of the parties entering into settlement.

Respondent no. 2 lodged, FIR No. 0285/2019, Under Section 498- A/406/34 IPC, registered PS Mukherjee Nagar, Delhi and charge-sheet has been filed against the petitioners.

Now, Respondent no. 2 has voluntarily and without any pressure or coercion after obtaining due legal advice entered into compromise with the "IPC"

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 25/02/2025 at 22:39:42 petitioners before Mediation Cell, Tis Hazari Courts, Delhi, Vide Settlement dated 11.10.2022 which is on record as Annexure - P-2 at page 60 to 76 bearing her signatures.

As per the terms and conditions of the settlement, Respondent no. 2 has already withdrawn all the cases instituted against the petitioners. Respondent no. 2 undertakes to withdraw any other case against the petitioners, if any not mentioned in the settlement. Similarly, her father has also already withdrawn the cases instituted against the petitioners in terms of settlement. Further, all other the terms and conditions of the Mediation Settlement, particularly the condition mentioned in para 12 has been complied by the petitioner.

Except for the withdrawal of the pending cases between the parties and settlement of accounts/issuance NOC's in terms of para 12 of the settlement. Respondent no. 2 has voluntarily waived of all her rights and claims to any articles, jewelry and stridhan; as well as Respondent no. 2

has waived of her rights and claims towards alimony and maintenance whatsoever past present and future. Respondent no. 2 undertakes to not claim anything in this regards in future by way of any litigation.

Now, as the terms of the settlement have been complied with. Respondent no. 2 has no objections, if the FIR No. 0285/2019, Under Section 498-A/406/34 IPG, registered PS Mukherjee Nagar, Delhi is quashed against the petitioners.

Respondent no. 2 has already obtained divorce from petitioner no. 1 in HMA No. 1288/2023 vide divorce decree dated 05.07.2023 as Annexure P-3 at page no. 77 to 79. Respondent no. 2 has given her affidavit of entering into settlement which is at 27-28 bearing her signatures.

As per settlement, the custody of minor child namely Kunwar Preet Singh, shall remain with her and petitioner no. 1 shall have visitation rights as per the settlement in terms of para 14 at page 63 as Annexure - P-2 but shall not claim custody of the child. This settlement is without prejudice to the rights of the child.

Respondent no. 2 shall fully cooperate with regards to the visitation rights and in case there is any issue with respect to visitation right then parties shall be free to take appropriate orders from the court of law. Respondent no. 2 shall abide by all the terms of the settlement and fully cooperate in quashing of the abovesaid FIR and withdrawal of any other case, if any as per the settlement.

Respondent no. 2 has been identified by her counsel.

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 25/02/2025 at 22:39:42 Petitioner no. 1 in his statement has also stated that he has already withdrawn all cases instituted by him against the respondent and her family members; and he undertakes to withdraw any other case instituted by him against the respondents and his family members, if any not mentioned in the settlement. Further, petitioner no. 1 undertakes to cooperate in quashing of FIR No. 587/2021, registered at PS Mukherjee Nagar, Under Section 380/420/34 IPG against the respondents and his family members. He also undertakes to not claim any right over property, i.e. shop bearing no. B-24, Manak Vihar Extension, Delhi and in future and shall not file any complaint or institute any case stating claim over the said property.

This pre verified report along with the petition may be placed before the Hon'ble Court on 25th February, 2025 along with the statements recorded today."

6. The Court has considered the afore-noted facts. Notably, offence under Section 498A of IPC is non-compoundable while offence under Section 406 of IPC is compoundable in certain cases.

7. It is well-established that the High Courts, in exercise of their powers under Section 582 of BNSS, can compound offences which are non-compoundable on the ground that there is a compromise between the accused and the complainant. In *Narinder Singh & Ors. v. State of Punjab & Anr.*,⁵ the Supreme Court laid down guidelines for High Courts while accepting settlement deeds between parties and quashing the proceedings. The relevant observations in the said decision read 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 (2014) 6 SCC 466 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 25/02/2025 at 22:39:43 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.

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]

8. Similarly, in the case of Parbatbhai Aahir & Ors. v. State of Gujarat & Anr.,⁶ the 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:

(2017) 9 SCC 641 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 25/02/2025 at 22:39:43

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 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 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, 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 25/02/2025 at 22:39:43 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]

9. Considering the nature of dispute and the fact that the parties have amicably entered into a settlement, this Court is of the opinion that the present case is fit to exercise jurisdiction under Section 582 of BNSS as no purpose would be served by keeping the dispute alive and continuance of the proceedings would amount to abuse of the process of Court.

10. In view of the above, the impugned FIR No. 258/2019 and all consequential proceedings arising therefrom are hereby quashed.

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

SANJEEV NARULA, J FEBRUARY 25, 2025 as 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 25/02/2025 at 22:39:43