

(2022) 12 DEL CK 0252

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 6852 Of 2022

Desh Deepak Verma

APPELLANT

Vs

State (Nct Of Delhi) & Anr.

RESPONDENT

Date of Decision : 16-12-2022

Acts Referred:

Constitution of India, 1950 — Article 226, 227
Indian Penal Code, 1860 — Section 354D, 506, 509
Code Of Criminal Procedure, 1973 — Section 482

Citation : (2022) 12 DEL CK 0252

Hon'ble Judges : Dinesh Kumar Sharma, J

Bench : Single Bench

Advocate : Murari Tiwari, Rahul Kumar, Nimisha Gupta, Raghuverender Verma,
Payal Dhupar

Final Decision : Disposed Of

Judgement

Dinesh Kumar Sharma, J

Crl.M.A.26553/2022 (exemption)

Exemption allowed subject to all just exceptions.

CRL.M.C. 6852/2022

1. The present petition has been filed under section 482 Cr.P.C. seeking quashing of FIR No. 0611/2016, under Sections 354D/509/506 IPC registered at Police Station Begum Pur lodged on the statement of the respondent No.2, wherein she alleged that the petitioner, who was studying along with her at Akash Institute, Kohat Enclave, abused her on phone and talked with her in a vulgar manner. The complainant has also alleged that the petitioner had been threatening to malign her in case she did not talk to him. It was also alleged that on facebook account of her relative and friends, the petitioner sent vulgar and obscene messages. Allegations of stalking were also made in the complaint. On the complaint of respondent No.2, FIR No. 0611/2016 under Sections 354D/509/506 IPC was

registered.

2. Respondent No.2/ complainant is present through video conferencing. She is stated to be in the USA. Respondent No. 2/ complainant has stated that she has voluntarily settled the matter with the petitioner without any fear, undue influence, or coercion. She has stated that she is peacefully settled in USA and now wants to live her life happily. She has stated that she does not want to pursue her complaint any further. The No Objection affidavit of the father of the respondent No.2/ complainant has also been placed on record.

3. The High Court being the highest court of a State is conferred with the power of control and superintendence over all courts subordinate to it. Articles 226 and 227 of the Constitution of India and Section 482 CrPC also acknowledge the inherent powers of the High Courts. High Courts can exercise its inherent power u/s 482 CrPC either to prevent abuse of the process of the court or otherwise to secure the ends of justice. However, exercise of such power would depend upon the facts and circumstances of each case. The powers possessed by the High Courts under section 482 CrPC are very wide and the very plenitude of the power requires great caution in its exercise. The powers under section 482 CrPC are to be exercised with due care, caution and circumspection and in the rarest of the rare cases. Thus, the power under section 482 CrPC must be exercised very sparingly to render real and substantial justice to the parties. The High Court would exercise its extraordinary jurisdiction under section 482 CrPC, where it finds that non-interference shall result in abuse of the process of the court or failure of justice, or where grave injustice is shown to have been caused and requires to be undone, or where the complaint does not make out any triable case against the petitioner.

4. It has been held by the Supreme Court and this Court in an umpteen number of cases that while exercising inherent power of quashing under Section 482, it is for the High Court to take into consideration any special features which appear in a particular case to consider whether it is expedient and in the interest of justice to permit a prosecution to continue. Where, in the opinion of the court, chances of an ultimate conviction are bleak and no useful purpose is likely to be served by allowing a criminal prosecution to continue, the court may, while taking into consideration the special facts of a case, quash the proceedings. It has been held that in such 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. It is settled law that 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.

5. In the present case the FIR is of the year 2016. Chargesheet has been filed. However, since the respondent No.2/complainant has stated that she does not want to proceed with the case, there is remote chances of conviction. The incident happened when both the petitioner and the respondent No.2/complainant were students. Now both are settled in their lives. Respondent 2/complainant has stated that she is well settled in USA and does not want to pursue the present case. She has stated that she has no objections if FIR No. 0611/2016 and the criminal proceedings emanating therefrom are quashed. In such an eventuality, there would almost be no chance of conviction.

6. Since the complainant does not wish to pursue the present complaint and the parties have reached at an amicable settlement. This court considers that to secure the ends of justice, it would be desirable that the FIR No. 0611/2016 is quashed.

7. Taking into account the totality of facts and circumstances, the case FIR No. 0611/2016, under Sections 354D/509/506 IPC registered at PS Begum Pur and all the proceedings emanating therefrom are quashed.

8. The present petition stands disposed of.