

(2023) 05 DEL CK 0486

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 1395 Of 2023, Criminal
Miscellaneous Application No. 5389 Of 2023

Naveen Pratap Singh

APPELLANT

Vs

State Nct Of Delhi & Anr.

RESPONDENT

Date of Decision : 09-05-2023

Acts Referred:

Indian Penal Code, 1860 — Section 354D
Code Of Criminal Procedure, 1973 — Section 482

Citation : (2023) 05 DEL CK 0486

Hon'ble Judges : Dinesh Kumar Sharma, J

Bench : Single Bench

Advocate : Varun Singh, Janmejaya Pratap Singh, Raghvinder Verma

Final Decision : Disposed Of

Judgement

Dinesh Kumar Sharma, J

1. Present petition has been filed seeking quashing of FIR No.0172/2019 dated 01.04.2019 registered under Section 354D IPC at PS Dwarka South.

2. The FIR has been lodged on the statement of Ms.Rekha alleging that the petitioner used to stalk her and also send her vulgar messages. After investigation, a charge sheet was filed under Section 354D against the petitioner. However, now the parties submit that during the pendency of the proceedings, they have reached a settlement. The settlement deed dated 30.01.2023 has been placed on record, terms and conditions of which read as under:

1.That the second party had lodged an FIR no.0172/2019, P.S. Dwarka South, U/s 354 (D) IPC, on dated 01/04/2019 against the first party.

2. That the second party is the complainant in the above-noted case.

3.That in this regard, the above-noted case is pending before M.M.(Mahila Court) and the same is fixed for 31/01/2023.

4. That the now second party does not want to proceed against the first party.
5. That both parties will cooperate the each other to quash the present matter in any court of law i.e. High Court of State. Whenever the both parties will file quashing petition in the High Court of Delhi for the same purpose.
6. That the second party and first party shall not make any dispute against each other in future for the present dispute and shall live with peacefully.
7. That both parties are ready to make compromise and after this compromise the both parties shall not proceed against the each other, in future.
8. That both parties are compromising with each other from legal proceedings and saving their valuable times.
9. That both the parties shall be abided by the rules of this Hon'ble Court as well as terms and conditions of this compromise.
10. That the compromise has been taken place between the first party and second party with their freewill mutual consent of both parties without any threat, pressure, undue influence.
11. That second party shall withdraw the above said from the Courts and police station.

3. The petitioner and respondent no.2 are appearing through VC and duly been identified by the IO. Ms.Rekha/respondent no.2 submits that the FIR was lodged on the basis of some misunderstanding at the instance of her deceased husband. She states that now she does not want to pursue the present complaint as she has voluntarily entered into the settlement without any fear, force or coercion. She submits that she has no objection if the present FIR is quashed.

4. IO also submits that there is no other case against the petitioner.

5. The inherent power under Section 482 Cr.P.C. is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guidance engrafted in such power viz.: (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court. In the case of *Gian Singh v. State of Punjab* (2012) 10 SCC 303, the Supreme Court has observed that in the exercise of its inherent power under Section 482, the High Court can quash FIR/Charge-sheet on the basis of alleged settlement except in cases of rape, murder, dacoity or the cases under the Special Statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc.

6. It has also been repeatedly held that 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. Reliance

can be placed upon *Madhavrao Jiwajirao Scindia v. Sambhajirao Chandrojiroo Angre*, (1988) 1 SCC 692

7. In the present case, it appears from the interaction with respondent no.2/ complainant that she is not going to support the case of the prosecution and the possibility of conviction is remote and bleak. In view of the matter, the continuation of the criminal proceedings would be an exercise in futility and it is an abuse of the process of the court. There would be no purpose in continuing with the present proceedings and accordingly, FIR No.0172 dated 01.04.2019 registered under Section 354D IPC at PS Dwarka South and all the proceedings emanating therefrom are quashed.

8. The present petition along with the pending application stands disposed of.