

*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

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CRL.M.C. 2604/2012

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Date of Decision: 1st November, 2012

HARBANS SINGH & ANR. Petitioners

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**Through: Mr. Khushbir Singh, Advocate
along with petitioners in person**

Versus

\$ STATE & ANR. Respondents

**Through: Mr. M.N. Dudeja, APP for the
State with SI Umed Singh PS
Nangloi
Mr. Sanjay Srivastava, Advocate
for the complainant with
complainant in person**

CORAM:

*** HON'BLE MR. JUSTICE P.K.BHASIN**

ORDER

P.K.BHASIN, J:

The petitioners-accused, who are father and son, have filed this petition under Section 482 of the Code of Criminal Procedure, 1973 and the prayer made therein is for quashing the criminal proceedings arising out of FIR No. and going on in the Court of Additional Sessions Judge against them for the commission of the offences punishable under Sections 308/452/427/34 IPC.

2. The petitioners are being prosecuted for their having caused injuries with saria and sword to respondent no. 2 herein in an incident which took place on 19th May, 1997.

3. Quashing of the ongoing trial is being sought by the petitioners on the ground that now they have compromised with the complainant-injured due to the intervention of respectable persons of the locality where they are residing.

4. The respondent no.2, who had lodged the FIR against the petitioners on the allegations that he was seriously injured by them with sword and sarias, appeared in Court and gave his no objection for the quashing of the ongoing trial of the petitioners in view of the compromise with them.

5. It was contended by the learned counsel for the petitioners that in order to bring peace and harmony between the accused and the complainant, who are neighbours, they have decided to bury their differences and, therefore, the criminal proceedings going on against the petitioners should be quashed by this Court in exercise of its inherent powers.

6. Learned Additional Public Prosecutor, however, opposed this petition on the ground that cases of crimes against human body are not of personal nature between private parties and despite the fact that the offender and victim who sustained serious injuries arrive at some kind of compromise, though none has even otherwise been placed on record by any party in the present case, criminal proceedings should not be quashed. It was also contended that the mala fides on the part of the petitioners is evident from the fact they have compromised with the injured after five years of the incident and that too after the injured complainant had entered the witness

box and given his evidence fully supporting the prosecution and, therefore, it even otherwise cannot be said at this stage that further trial would be an exercise in futility and there is no chance of conviction of the accused. It was also submitted that the factum of compromise between the accused and the injured can be taken into consideration by the trial Court if the petitioners are convicted.

7. After giving my thoughtful consideration to the entire aspect I am of the view that since the victim already has been examined as a prosecution before the trial Court and allegedly supported the prosecution it cannot be said that permitting the trial to conclude would be an abuse of the process of law or ends of justice would be secured by terminating the ongoing trial. To this Court it appears that it is not a fit case where inherent powers should be exercised to terminate the ongoing criminal proceedings against the petitioners-accused and it should be left to the trial Court to arrive at its conclusions on the merits of the case after trial is over.

8. This petition is, therefore, dismissed.

P.K. BHASIN, J

NOVEMBER 1, 2012