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

Judgment delivered on: 3rd July, 2015

+ CRL.M.C. 2592/2015

TIRLOK CHAND & ANR. Petitioners

Represented by: Mr. Ajandra Sisodia,
Adv.

Versus

**THE STATE (GOVT OF NCT OF DELHI)
& ANR.**

..... Respondents

Represented by: Mr. Ravi Nayak, APP for
State with ASI Tejram, PS-Nazafgarh.
Mrs. Jaspreet Aulakh, Ms. Aditi Tomar
and Mr. Deepak Jain, Adv. for R2.

**CORAM:
HON'BLE MR. JUSTICE SURESH KAIT**

SURESH KAIT, J. (Oral)

1. By way of this petition filed under Section 482 of the Code of Criminal Procedure, 1973, petitioners seek quashing of FIR No. 222/2012 registered at PS-Nazafgarh for the offences punishable under Sections 135 of Indian Electricity Act (Amendment) 2003 on 18.07.2013 and the consequential proceedings emanating therefrom against the petitioners.

2. Learned counsel appearing on behalf of the petitioners prays for quashing the FIR in question on the basis of compromise arrived at between the parties.

3. Ld. Counsel appearing on behalf of the respondent No. 2, on instructions, submits that the respondent No.2 has settled all the disputes with the petitioners and the petitioners have paid all the dues. She further submits that respondent No.2 has no objection if this petition is allowed.

4. On the other hand, ld. APP for the State submits that present case was registered on the complaint of respondent no. 2/complainant, who has settled all the disputes with the petitioners and is no more interested to pursue the case further against the petitioners, therefore, looking to the overall circumstances, no useful purpose will be served in continuing the proceedings. Thus, the State has no objection if the present petition is allowed.

5. Undisputedly, Section 482 of the Code of Criminal Procedure 1973, confers inherent powers upon this Court to accept the compromise in cases where having regard to the fact that the disputes between the offender and the victim have been settled although the offences are not compoundable. That power can be exercised in cases where there is no chance of recording a conviction against the accused and the entire exercise of a trial is destined to be an exercise in futility.

6. In ***Gian Singh Vs. State of Punjab and Another (2012) 10 SCC 303***, the Apex Court has recognized the need of amicable resolution of disputes in cases like the instant one, by observing as under:-

“ Resolution of a dispute by way of a compromise between two warring groups, therefore, should attract the immediate and prompt attention of a court which should endeavour to give full effect to the same unless such compromise is abhorrent to lawful composition of the society or would promote savagery.

Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor.

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 wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

7. Having considered the facts and circumstances of the case and looking to the fact that the parties have settled their disputes amicably vide Settlement Deed dated 27.01.2015 before the Mediation Centre, Dwarka Courts, New Delhi, and the statements of respondent Nos. 1 and 2, in my considered opinion it is a fit case where power under Section 482 Cr.P.C. can be exercised and proceeding pending against the petitioners can be quashed.

8. Consequently, the FIR No. 222/2013, registered at PS-Nazafgarh for the offences punishable under Sections 135 of Indian Electricity Act (Amend) 2003 with emanating proceedings thereto, if any, is hereby quashed against the petitioners.

9. In view of the above, the present petition is allowed with no order as to costs.

10. A copy of this order be given *dasti* to the learned counsel for the parties.

SURESH KAIT, J.

JULY 03, 2015

jg/sb