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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 2005/2015**
ANIS KHAN & ANR

..... Petitioner

Through: Mr. M.L. Yadav, Adv.

versus

STATE (GOVT OF NCT OF DELHI) & ANR

..... Respondent

Through: Ms. Richa Kapoor, ASC for the State
with Mr. Ashish Negi, Advs.
Mr. Lokesh Chandra, Adv. for R-2

CORAM:
HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER
% **29.10.2015**

Crl. M.A.13336/2015

Exemption granted subject to all just exceptions.

Application stands disposed of.

W.P.(CRL) 2005/2015

The petitioners are brothers and have been made accused by respondent No.2 vide FIR No.0325/2014 (PS Chandni Mahal) which was instituted at his instance under Sections 308, 341 and 34 of the IPC. The petitioners have sought quashing of the aforesaid FIR on the strength of settlement of the dispute with respondent No.2.

The petitioners are alleged to have assaulted respondent No.2. The stand of respondent No.2 is that the altercation took place because of some

confusion arising out of hearsay information regarding the petitioners.

Be that as it may, considering the future prospects; the fact that the petitioners and respondent No.2 are neighbours and staying in the same locality and further realising the fact that any continuance of such dispute would create further bad blood, the petitioners and respondent No.2 have chosen to settle their differences. A settlement deed was executed on 3.9.2015 whereby the parties, taking note of the facts that there was a minor scuffle resulting in simple injuries to respondent No.2, decided to settle the dispute. The settlement deed referred to above, has been annexed with the petition.

Mr. M.L. Yadav, learned counsel appearing for the petitioner submits that no useful purpose would be served in allowing the investigation to continue any further especially in view of the fact that the respondent No.2 does not intend to prosecute the petition any further. He submits that in order to secure the ends of justice and to prevent the abuse of the process of law, the subject FIR (FIR No.0325/2014) be quashed. He makes a reference to the fact that assuming every allegation in the FIR to be true, it is only a private dispute relating to a minor offence and it does not, in any way, disturb the even tempo of life and society.

In ***Gian Singh vs. State of Punjab & Another, (2012) 10 SCC 303***, the Supreme Court has held that cases which are not compoundable under Section 320 of the Cr.P.C. could also be quashed, when continuation of any criminal proceeding would be an exercise in futility and where justice demands that the dispute between the parties should be put to an end and peace is restored. But ending of such criminal proceedings could only be ordered for securing the ends of justice.

The Supreme Court has further observed in **Gian Singh vs. State of Punjab & Another (Supra)**:

“58..... No doubt, crimes are acts which have harmful effect on the public and consist in wrongdoing that seriously endangers and threatens the well-being of the society and it is not safe to leave the crime-doer only because he and the victim have settled the dispute amicably or that the victim has been paid compensation, yet certain crimes have been made compoundable in law, with or without the permission of the court. In respect of serious offences like murder, rape, dacoity, etc., or other offences of mental depravity under IPC or offences of moral turpitude under special statutes, like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, the settlement between the offender and the victim can have no legal sanction at all. However, certain offences which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions or the offences arising out of matrimony, particularly relating to dowry, etc. or the family dispute, where the wrong is basically to the victim and the offender and the victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable, the High Court may within the framework of its inherent power, quash the criminal proceeding or criminal complaint or FIR if it is satisfied that on the face of such settlement, there is hardly any likelihood of the offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated. The above list is illustrative and not exhaustive. Each case will depend on its own facts and no hard-and-fast category can be prescribed.”

[Refer to B.S. Joshi, (2003) 4 SCC 675; Nikhil Merchant, (2008) 9 SCC 677 and Manoj Sharma, (2008) 16 SCC 1.]

Thus, the inherent powers of the High Court, having a wide plenitude

could be used for quashing the FIR for securing the ends of justice and to prevent the abuse of the process of the court.

Learned counsel for the State submits that the investigation is still in progress and no charge sheet has been submitted as yet.

Considering the aforesaid reasons, aforerecorded FIR No.0325/2014 (PS Chandni Mahal) and all the emanating proceedings therefrom are set aside.

The petition is disposed of in terms of the above.

ASHUTOSH KUMAR, J

OCTOBER 29, 2015

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