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

+ W.P.(CRL) 2255/2015

ARVINDER SINGH

..... Petitioner

Through: Mr.Vishal Gohri, Advocate.

versus

STATE (NCT OF DELHI) & ANR

..... Respondents

Through: Mr.Sanjay Lao, ASC.

SI Vishvendra, P.S.Seema Puri.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

07.10.2015

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The petitioner seeks quashing of the FIR No.1198/2015 (P.S.Seema Puri) instituted at the instance of respondent No.2 under Sections 323/341/34 of the IPC on the strength of a settlement having being arrived at with the respondent No.2. It has been submitted that from the perusal of the FIR itself, it would appear that no case under any one of the sections lodged against the petitioner can at all be said to have been made out.

It has been alleged in the FIR that when the petitioner and some of the boys of his age group were trying to enter the pump house, the same was objected to by respondent No.2 and he was assaulted by fists and slaps. It has further been submitted that the present case was only a counterblast to the case lodged by him against the respondent No.2 vide FIR No.1193/2015

(P.S.Seema Puri) which was instituted under Section 308 of the Indian Penal Code. In the aforesaid case, it was alleged that the respondent No.2 herein assaulted him by means of a danda.

In the case lodged at the instance of the petitioner against the respondent No.2, because of intervention of the local/respectable persons, an agreement was arrived at wherein the parties decided to settle their disputes amicably. Taking that fact namely the settlement of dispute between the petitioner and the respondent into account, the FIR No.1193/2015 instituted under Section 308 of the IPC at the instance of the petitioner was quashed by order dated 14.09.2015 in W.P(Crl.) No.2010/2015.

The petitioner and the respondent are present in Court in person.

The nature of allegations levelled against the petitioner in the present FIR leaves no room for doubt that such offence is only private in nature and even if accepted to be true, does not have the potency of disturbing the even tempo of life in the 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 continuance 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.

The present FIR does not disclose any serious offence and the nature

of the offence alleged cannot have any serious impact on the society.

In the event of the settlement between the petitioner and the respondent, the possibility of conviction has become very remote and bleak. Continuance of criminal proceeding in a case of this kind would put the petitioner to great oppression and prejudice and extreme injustice will be caused to him.

Keeping in mind the facts of this case and the settlement between the parties, allowing the criminal proceeding to be continued any further, would not be in accord with the guiding factor namely securing the ends of justice.

For the reasons afore-recorded FIR No.1198/2015 and all the emanating proceedings thereof are quashed.

The petition is disposed of in terms of the above.

ASHUTOSH KUMAR, J

OCTOBER 07, 2015

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