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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 2221/2015**
AZAZ AHMAD & ORS

..... Petitioner

Through: Mr. M. Shamikh, Adv.

versus

STATE & ANR

..... Respondent

Through: Mr. R.S. Kundu, ASC for the State
with Mr. Ankit Kumar Gulia, Adv.
SI Vishvendra, PS Seema Puri

CORAM:
HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **05.10.2015**

Crl.M.A.14644/2015

Exemption granted subject to all just exceptions.

Application stands disposed of.

W.P.(CRL) 2221/2015

The petitioners seek quashing of the FIR No.719/2015 (P.S. Seema Puri) instituted for offences under Section 308/34 of the IPC on the strength of the settlement with the informant of the aforementioned case.

A perusal of the FIR discloses that petitioner No.5 was joking with the informant (respondent No.2) when other accused persons came and for no apparent reason, the informant (respondent No.2) was hit by a bottle of cold drink leading to injuries on his person.

It has been submitted on behalf of the petitioner that it was only

during some kind of arguments between the parties that the respondent was hurt. It has been submitted that the injuries suffered by the respondent are simple in nature.

This court has been informed that there is a cross case as well.

On 30.9.2015, a settlement was made between the parties and the informant has agreed for not proceeding with the case any further.

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.

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 informant and accused persons, the possibility of conviction has become very remote and bleak. Continuation of criminal proceeding in a case of this kind would put the petitioners to great oppression and prejudice and extreme justice will be caused to them.

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 aforerecorded FIR No.719/2015 and all the emanating

proceedings thereof are quashed.

The petition is disposed of in terms of the above.

ASHUTOSH KUMAR, J

OCTOBER 05, 2015

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