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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(CRL) 2373/2015
RAJ KUMAR Petitioner
Through Mr. M. Shamikh, Adv.

versus

STATE & ANR Respondents
Through Ms. Sumi Anand, Adv. for Mr. Avi
Singh, ASC.
SI Monu Chauhan PS Seemapuri

CORAM:
HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER
% **19.10.2015**

Crl.M.A No.15536/2015

Exemption granted subject to all just exceptions.

Application stands disposed of.

W.P.(Crl.)2373/2015

The petitioner seeks quashing of the FIR No.923/2015 (PS Seemapuri) instituted for offences under Sections 308/323 of the IPC.

From the perusal of the aforesaid FIR, it would appear that the petitioner has been alleged to have assaulted the complainant/respondent no.2 on his head by means of a oil container at the time when there was some dispute with respect to the payment of Rs.50/- for the petrol. It has been alleged that the petitioner was directed to fill the motorcycle of the complainant with petrol worth Rs.30/- but deliberately petrol for Rs. 50/- was filled and on protest, the occurrence is said to have been taken place.

A cross case was also filed by the petitioner against respondent No. 2.

However, considering the trivial nature of the dispute, the parties i.e. the petitioner and the respondent No. 2 agreed to settle their differences and thereby entered into a settlement seeking compounding of the offences.

The nature of offence described in FIR is very trivial and no useful purpose would be served in allowing this case to be investigated any further.

Moreover, the parties have decided to settle their disputes amicably.

It has been submitted that charge sheet in the case has not been submitted. The nature of offence described in the First Information Report is very trivial and the injury suffered by the respondent No. 2 is simple in nature.

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 and further, would not be in accord with the guiding factor namely securing the ends of justice.

For the reasons aforerecorded FIR No.923/2015 (PS Seema Puri) and all the emanating proceedings thereof are quashed.

The petition is disposed of in terms of the above.

Dasti.

ASHUTOSH KUMAR, J

OCTOBER 19, 2015

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