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

+ CRL.M.C. 1501/2016

RUBINA BANO & ORS Petitioner

Through Mr.A.K. Mishra, Adv.

versus

STATE OF NCT OF DELHI & ANR Respondent

Through Mr.Mukesh Kumar, APP with SI
Amit Verma, PS Gokalpuri.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

% **22.04.2016**

Crl.M.A. 6398/2016 (Exemption)

Application is allowed subject to just exceptions.

Crl.M.C. 1501/2016

The present petition has been filed by the petitioners under Section 482 Cr.P.C. seeking quashing of proceedings arising out of FIR No.354/2013, under Section 342/346/326-A/365/506/34 IPC, Police Station Gokalpuri on the basis of compromise arrived at between the petitioner and the complainant/injured (respondent no.2- herein).

The record reveals that it is alleged against the petitioners that

in furtherance of their common intention they gave beatings to the complainant, wrongfully confined him and threw acid on the face of the complainant/injured due to which he suffered burn injuries on his face. As per the MLC of the injured, he suffered injuries on his face due to throwing of acid for which the FIR under Section 326-A IPC was registered. As per the statement of the complainant/injured and his MLC, there is permanent disfiguration of his face and the role attributed to the petitioners falls in the category of causing grievous hurt.

In the judgment of Hon'ble Apex Court in the case of ***Gian Singh v. State of Punjab (2012) 10 SCC 303***, it was observed that :

“54. Where High Court quashes a criminal proceeding having regard to the fact that dispute between the offender and victim has been settled although 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. No doubt, crimes are acts which have harmful effect on the public and consist in wrong doing that seriously endangers and threatens well-being of 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 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 Prevention of Corruption Act or the offences committed by public servants while working in that capacity, the settlement between offender and 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 victim and the offender and 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 F.I.R if it is satisfied that on the face of such settlement, there is hardly any likelihood of 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.

In view of the law laid down in ***Gian Singh's*** case (supra), this Court is of the considered opinion that no case for quashing the FIR in question is made out as the offence in the present case falls in the category of grievous offence.

Consequently, the present petition is hereby dismissed.

P.S.TEJI, J

APRIL 22, 2016
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