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

+ CRL.M.C. 1848/2016

MAHESH KUMAR & ORS

..... Petitioner

Through Mr.Vinod Sharma, Adv.

versus

THE STATE (GOVT OF NCT) OF DELHI & ANR..... Respondent

Through Ms.Meenakshi Chauhan, APP with SI
Mohd. Faizan Ghani, PS Ghazipur.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

% **13.05.2016**

The present petition has been filed by the petitioners under Section 482 Cr.P.C. seeking quashing of FIR No.266/2011, under Section 307/34 IPC, Police Station Ghazipur and subsequent proceedings arising therefrom on the basis of compromise arrived at between the petitioners and the injured Naresh Kumar (respondent no.2-herein).

The record reveals that it is alleged against the petitioners that on the day of incident, they all in furtherance of their common intention gave knife blows on the chest and stomach of the injured Naresh Kumar apart from giving beatings to him. As per record, the injured suffered stab wound by sharp weapon for which the FIR under Section 307 IPC was registered. As per the statement of the complainant/injured and his medical record, he received stab injuries

caused by sharp edged weapon and the role attributed to the petitioners falls in the category of attempting to commit murder.

As per the ratio of 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

MAY 13, 2016
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