

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

Date of Decision : September 16th, 2016

+ CRL.M.C. 1979/2016

NEERAJ & ORS

..... Petitioner

Through: Mr. Vijay Kasana, Advocate

versus

STATE & ANR

..... Respondent

Through: Mr. M.S. Oberoi, Additional Public
Prosecutor for the State with ASI
Prem Chand, Police Station Alipur,
Delhi

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

P.S.TEJI, J.

1. The present petition under Section 482 Cr.P.C. has been filed by the petitioners, namely, Smt.Neeraj, Smt.Sarjo, Ravinder, Devender and Sanjay for quashing of FIR No.132/2008 dated 07.06.2008, under Sections 328/307/120-B IPC registered at Police Station Alipur on the basis of the settlement arrived at between the petitioners and respondent no.2, namely, Ravinder Kumar.

2. The factual matrix of the present case is that the FIR in question was lodged by the complainant, namely, Ravinder Kumar on the allegation that after few days of marriage, his wife pressurized him to leave the village and shift to Narela and to do work there only. There was a dispute between him and his in-laws. On 28.05.2008 at about

11.45 a.m. when the complainant was returning to his house from the fields, his brothers-in-law Ravinder and Devender and their friend Sanjay came there and apologized for their conduct. They gave a Pepsi to the complainant which he consumed but after sometime he started feeling unwell. He somehow made a call to the police. The complainant became unconscious and regained consciousness in the hospital. It was alleged that the brothers-in-law, wife, mother-in-law and Sanjay gave the complainant poison in the Pepsi with a view to usurp the property of the complainant.

On the basis of statement made by the complainant to the police, FIR of the present case was registered.

3. Later on, petitioners and respondent no.2 mutually settled their past disputes, differences etc. peacefully against each other and the petitioners thus, filed the present petition for the quashing of the FIR in question.

4. It is not in dispute that gastric leakage of the complainant was sent to the Laboratory for examination. As per the FSL report the examiner opined that the exhibit sent for examination was found to contain organo phosphorous pesticide. As per the MLC of the complainant, the doctor opined the nature of the injury as dangerous.

5. I have heard the counsel for the parties and perused the record.

6. In *Gian Singh v. State of Punjab*, (2013) 10 SCC 303, the Hon'ble Supreme Court observed that heinous and serious offences of mental depravity, murder, rape, dacoity etc. or under special statutes like Prevention of Corruption Act or offences committed by public servants while working in their official capacity, cannot be quashed

even though victim or victims family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact on the society. On similar point, reliance can be placed on *Narinder Singh v. State of Punjab (2014) 6 SCC 466* in which it was further observed that offences under Section 307 IPC would fall in the category of heinous and serious offences and therefore they are to be generally treated as crime against the society and not against the individual alone.

Further in *State of Rajasthan v. Shambhu Kewat (2014) 4 SCC 149* it was observed as under:

“15. We are not prepared to say that the crime alleged to have been committed by the accused persons was a crime against an individual, on the other hand it was a crime against the society at large. Criminal law is designed as a mechanism for achieving social control and its purpose is the regulation of conduct and activities within the society. Why Section 307 IPC is held to be non-compoundable, is because the Code has identified which conduct should be brought within the ambit of non-compoundable offences. Such provisions are not meant just to protect the individual but the society as a whole. The High Court was not right in thinking that it was only an injury to the person and since the accused persons (sic victims) had received the monetary compensation and settled the matter, the crime as against them was wiped off. Criminal justice system has a larger objective to achieve, that is, safety and

protection of the people at large and it would be a lesson not only to the offender, but to the individuals at large so that such crimes would not be committed by anyone and money would not be a substitute for the crime committed against the society. Taking a lenient view on a serious offence like the present, will leave a wrong impression about the criminal justice system and will encourage further criminal acts, which will endanger the peaceful coexistence and welfare of the society at large.”

7. This Court further observes that the FIR in the present case has been registered under Sections 328/307/120-B IPC which clearly are offences against the society at large and not private in nature. Perusal of the FSL report and the medical record of the complainant/respondent no.2 also establishes that he was given poisonous substance which was opined to be dangerous in nature by the doctor. As observed in the aforesaid cases i.e. ***Narinder Singh (supra)***, ***Shambhu Kewat (supra)*** and ***Gian Singh (supra)***, offences which are heinous and against the society shall not be compounded having regard to nature of injuries and the magnitude of impact even though the victims and the offenders have compromised their matter and seek the quashing of the FIR in the case. Applying the ratio/principle laid down in the said cases to the facts of the present case, this Court finds that the poisonous substance given to the complainant/respondent no.2 is a serious offence.

8. In the facts and circumstances of this case as discussed above, this Court is of the considered opinion that the petitioners have failed

to establish any cogent reason to quash the FIR No.132/2008 dated 07.06.2008, under Sections 328/307/120-B IPC registered at Police Station Alipur.

9. The petition is accordingly dismissed.

10. Application CrI.M.A. 8372/2016 is also disposed of.

(P.S.TEJI)
JUDGE

SEPTEMBER 16, 2016
dd

