

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

+ **CRL.M.C. 3873/2015**

Date of Decision : June 13th, 2016

IKRAM & ORS

..... Petitioner

Through: Mr.Adish C.Aggarwala, Sr.Adv. with
Mr.Abhinav Singh, Adv.

versus

STATE & ORS

..... Respondent

Through: Mr.Rajat Katyal, APP.

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, Ikram, Kayyum Ali and Usman Ali for quashing of FIR No.237/2014 dated 16.05.2014, under Sections 307/34 IPC registered at Police Station Mundka on the basis of the settlement arrived at between the petitioners and respondent nos.2 & 3, namely, Naseem Khan and Babu Khan, respectively.

2. The factual matrix of the present case is that the FIR in question was lodged by the complainant, namely, Naseem Khan on the allegation that there was a dispute between the accused-Ikram and the respondent no.2 & 3. On 16.05.2014, at about 4pm, Ikram with a coconut cutting knife in his hand came at the shop of the complainant and told the complainant that the brother of the complainant had

fought with his brother and started quarrelling with the complainant. Thereafter, Ikram attacked the complainant with the said knife. Ikram attacked the complainant on his head, chin, shoulder and ear due to which the complainant got severely injured. Thereafter, the accused ran away from the spot.

3. Later on, respondent nos.2 & 3 and petitioners 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. The State has filed a status report on record. As per the status report, during the investigation, the complainant in his supplementary statement further alleged that on 16.05.2014 at the time of the incident, Ikram alongwith his brother Usman Ali and Kayyum Ali assaulted him. Kayyum Ali caught hold of his hands and Ikram assaulted him with knife whereas Usman Ali threatened him. Ikram was arrested on 21.05.2014 and the weapon of offence i.e. the coconut cutting knife was recovered at his instance. The other two accused persons i.e. petitioner nos.2 & 3 were granted anticipatory bail.

5. MLC of the injured, namely, Naseem Khan has been placed on record as per which, the injured had received various injuries including, sharp flapped wound at the right scalp (CLW), sharp flapped wound at the chin (CLW), sharp lacerated wound at the right shoulder and lacerated wound at the right ear. All the injuries were opined by the doctor to be '*grevious in nature*'.

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

7. 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 is 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.”

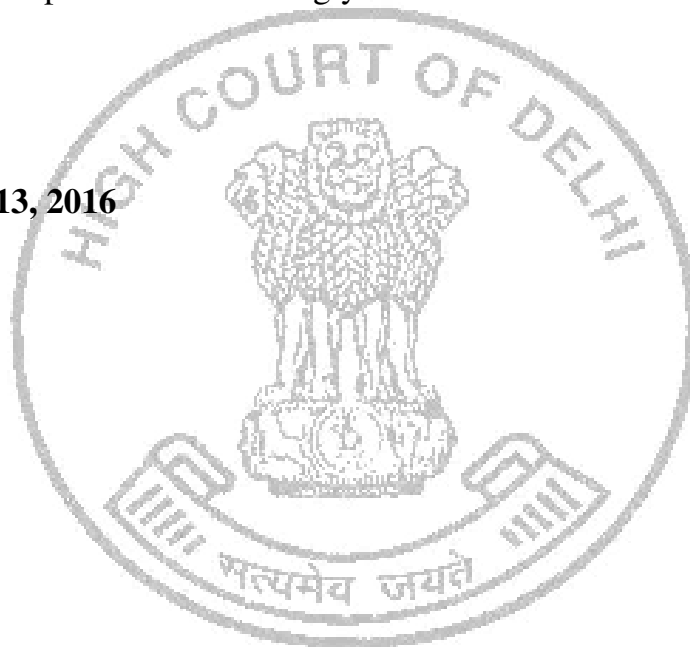
9. This Court further observes that the FIR in the present case has been registered under Sections 307/34 IPC which clearly are offences against the society at large and not private in nature. Perusal of the MLC also establishes that the injured has suffered various injuries on his face and body. As 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 injuries inflicted on the complainant were very serious in nature. The accused persons caused the said

injuries with a coconut cutting knife which in itself is sufficient to cause death of a person if hit at the vital parts of the body.

10. 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.237/2014 dated 16.05.2014, under Sections 307/34 IPC registered at Police Station Mundka.

12. This petition is accordingly dismissed.

JUNE 13, 2016
dd



(P.S.TEJI)
JUDGE