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

+ **CRL.M.C. 2206/2017**

RAKESH

..... Petitioner

Through

Petitioner in person with
Mr. Sunil Ahlawat, Adv.

versus

STATE & ANR.

..... Respondents

Through

Mr. Hirein Sharma, Addl. PP for State
with SI Sanjeev Kumar, PS Okhla
Industrial Area.

Respondent no.2 in person with Mr.
Rohmsdavin Ahlawat, Adv.

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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26.05.2017

CRL. M.A. 9047/2017 (delay in re-filing the petition)

Delay in re-filing the petition is condoned inasmuch as, for the petition filed under Section 482 Cr.P.C., there is no prescribed time limit. Application stands disposed off accordingly.

CRL.M.C. 2206/2017

By the instant petition filed under Section 482 Cr.P.C., FIR no. 230/2013 under sections 354A/506/34 IPC, PS Okhla Industrial Area is sought to be quashed. IO is stated to have died.

Parties have arrived at a compromise/settlement during mediation, which was conducted by a Judicial Officer.

Compromise/Settlement bears the photographs of the parties i.e. the petitioner as also the complainant-respondent no.2 and they are so identified by the counsel appearing for the petitioner. Subject FIR is the outcome of a trifle incident. In pursuance of the compromise/settlement arrived at, Id. MM has already compounded the offence under Section 506-I IPC vide order dated 7.10.2015, attested copy whereof, is annexed as Annexure 'P4' at running page 48 of the instant petition. Complainant-respondent no.2 states that the incident is resultant effect of dispute of payment of money by the petitioner and that, she has already received the due amount and the offence under Section 506-I IPC stands already compounded. Trial for the offence under Section 354A IPC only is now pending. In the given facts and circumstances, when both the prosecutrix and the petitioner-accused have arrived at compromise/settlement, which is partly accepted by the Id. MM while compounding the offence under Section 506-I IPC, I am also of the considered view that the prayer requires to be granted to meet the ends of justice. In Criminal Appeal No. 686/2014 titled **Narinder Singh & Ors. vs. State of Punjab & Anr.**, decided on 27th March, 2014, Hon'ble Supreme Court set down the principles for exercise of power under Section 482 Cr.P.C., in the following words :

“31. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:

(I) Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution.

(II) When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:

- (i) ends of justice, or**
- (ii) to prevent abuse of the process of any Court.**

While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.

(III) Such a power is not to be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Similarly, for offences alleged to have been committed under special statute like the Prevention of Corruption Act or the offences committed by Public Servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender.

(IV) On the other, those criminal cases having overwhelmingly and pre-dominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.

(V) While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.

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Keeping in view the totality of the facts and circumstances, I am

satisfied that the ends of justice would be met with, if, the subject FIR No.230/2013 under Sections 354A/506/34 IPC, P.S. Okhla Industrial Area be quashed alongwith consequential action(s) emanating therefrom. It is ordered accordingly. Petition stands disposed off.

A. K. CHAWLA, J

MAY 26, 2017

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