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

+ CRL.M.C. 988/2017

SALEEM ANSARI & ORS

..... Petitioner

Through

Mr. Vinod Bhardwaj and Mr. Rahul
Sharma, Advocates with petitioners in
person

versus

STATE (NCT OF DELHI) & ORS

..... Respondents

Through

Mr. Ashok K.Garg, Addl.PP for State
with ASI Surender Kumar, P.S.Janak
Puri

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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25.05.2017

Amended memo of parties is filed. Same is taken on record.

By the petition, filed under Section 482 Cr.PC, FIR No. 425/2013 under Sections 323/341/452/506/34 IPC, P.S.Seelampur is sought to be quashed. IO identifies the parties present before the court.

Subject FIR is the out-come of a trifle incident amongst the neighbourers, which the parties state, they have resolved amicably, during mediation on 30.11.2016 at Delhi Mediation Centre, Karkardooma Courts, Delhi. Ld. Counsel for the parties as also the IO states that the parties have no criminal antecedents. No previous enmity has come to be pointed out either by the parties or the IO

present before the court. It is also stated that though, the challan is filed, but, it is yet to be taken up for consideration on charge. Assuming, the charges come to be framed, with the compromise/settlement arrived at, it is highly improbable that the trial would bear any fruits and the entire exercise in all likelihood would be futile. Parties, as said earlier, are the neighbourers and the gravity of the alleged offense is not such that jurisdiction u/S 482 Cr.PC should not be exercised in the given facts and circumstances. 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 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 ratio of the judgment (supra) and totality of the facts and circumstances, I am satisfied that ends of justice would be met with, if, the subject FIR no. 425/2013, PS Seelampur, be quashed, alongwith the consequential proceedings emanating therefrom. It is ordered accordingly. Petition stands disposed off.

A. K. CHAWLA, J

MAY 25, 2017/mw