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

+ W.P.(CRL) 772/2017

BHUPINDER SINGH & ORS. Petitioners

Through: Mr.Akshay Bhardwaj, Adv.

versus

STATE & ORS. Respondents

Through: Ms.Richa Kapoor, ASC.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **17.05.2017**

The petitioners seek quashing of FIR No.560/2014 dated 20.05.2014 (P.S. Rajouri Garden) instituted for the offences under Sections 323/308/341/356/379/506 and 34 of the IPC.

Respondent No.2 has alleged that on 20.05.2014 when he parked his vehicle in front of his house, petitioner No.2, his neighbour, started abusing and threatening him. The other petitioners also are alleged to have joined petitioner No.2 in abusing and threatening the respondent No.2. In the meantime a call was made by respondent No.2 at 100 number and this led to disbursal of the mob. The petitioners are also said to have assaulted the respondent No.2 and one Maninder Singh. Initially, therefore, a case was registered under Sections 323/341/506 and 34 of the IPC but later, other sections viz. Sections 308/356 and 379 were also added.

The injuries suffered by respondent No.2 and Maninder Singh are simple.

The parties have, however, settled their disputes after realizing that

the fight was over a trivial issue and no purpose would be served in continuing with the litigation. As such, respondent No.2 became agreeable for not prosecuting the petitioners any further.

The parties are present in Court who have been identified by their respective counsels. They have stated in unison that they would like to live as good neighbours and have now settled all disputes against each other.

The above set of facts has persuaded this Court to quash the subject FIR.

In ***Gian Singh vs. State of Punjab & Another, (2012) 10 SCC 303***, the Supreme Court has held that cases which are not compoundable under Section 320 of the Cr.P.C. could also be quashed, when continuation of any criminal proceeding would be an exercise in futility and where justice demands that the dispute between the parties should be put to an end and peace is restored. But ending of such criminal proceedings could only be ordered for securing the ends of justice.

The Supreme Court has further observed in *Gian Singh vs. State of Punjab & Another* (Supra):

“58..... No doubt, crimes are acts which have harmful effect on the public and consist in wrongdoing that seriously endangers and threatens the well-being of the 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 the 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 the Prevention of Corruption Act or the offences committed by public servants while working in

that capacity, the settlement between the offender and the 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 the victim and the offender and the 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 FIR if it is satisfied that on the face of such settlement, there is hardly any likelihood of the 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.”

[Refer to B.S. Joshi, (2003) 4 SCC 675; Nikhil Merchant, (2008) 9 SCC 677 and Manoj Sharma, (2008) 16 SCC 1.]

Thus, the inherent powers of the High Court, having a wide plenitude could be used for quashing the FIR for securing the ends of justice and to prevent the abuse of the process of the court.

For the aforesaid facts, the FIR No. 560/2014 (P.S. Rajouri Garden) instituted for the offences under Sections 323/308/341/356/379/506 and 34 of the IPC and all other proceedings emanating therefrom are quashed.

The petition is disposed of in terms of the above.

ASHUTOSH KUMAR, J

MAY 17, 2017/k