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

+ W.P.(CRL) 909/2016

HIRDESH SHARMA

..... Petitioner

Through: Mr. Arun Srivastava & Mr. Raghav
Parmatiyar, Advocates.

versus

THE COMMISSIONER OF POLICE & ORS

..... Respondents

Through: Mr. R.S. Kundu, ASC for Ms.Nandita
Rao, ASC along with SI Mahendra
Koli, PS-Subzi Mandi, for the State.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

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15.02.2017

The present order be read in continuation of the detailed order dated 07.02.2017.

Learned counsel for the petitioner, on instructions, states that the petitioner does not wish to withdraw the petition.

Mr. Srivastava has further submitted that the petition has been moved at an earlier stage. He submits that the offence under Section 420 IPC is a compoundable offence. He submits that the petitioner is entitled to seek quashing of the FIR qua him individually on the basis of a settlement. In this regard, he placed reliance on *Jayrajsinh Digvijaysinh Vs. State of Gujarat & Another*, (2012) 12 SCC 401.

In my view, merely because the offence is compoundable, is no

ground to urge that the Court is bound to exercise its jurisdiction under Article 226 of the Constitution of India to quash the FIR on account of a settlement.

I have already given my reasons for my opinion that the FIR should not be quashed at this stage. If the offence is compoundable, the petitioner is free to apply for compounding at the appropriate stage. Pertinently, compounding can be sought only after filing of the charge-sheet, which implies that the investigation has been completed. However, in the present case, the investigation is at the initial stage, as already taken note of in the order dated 07.02.2017. In case the petitioner applies for compounding at the appropriate stage, the said application shall be considered on its own merits by the Trial Court.

The petition is dismissed.

VIPIN SANGHI, J

FEBRUARY 15, 2017

B.S. Rohella