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

+ CRL.M.C. 2139/2017

TARANDEEP SINGH MARWAH Petitioner

Through: Mr.Rajesh Malhotra, Advocate with
petitioner in person.

versus

STATE & ANR. Respondent

Through: Ms.Kusum Dhalla, APP for the State
with SI Sumitra Sharma, PS Rajouri
Garden.
Mr.Sahil Ahuja, Advocate with
respondent No.2 in person

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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06.07.2017

1. The present writ petition has been filed by the petitioner under Section 482 of the Code of Criminal Procedure for quashing of FIR No.813/2014, under Sections 323/341/506/509/354B IPC, registered at P.S. Rajouri Garden, Delhi and consequential proceedings arising therefrom.
2. Case FIR No.813/2014 was registered on the basis of the statement made by the complainant, who is daughter of the petitioner/accused, in respect of the incident that had taken place at their house on 24th July, 2014 at about 3.00 A.M. As per the FIR, at that odd hour when the

petitioner/accused – father of the complainant was shouting at her wife i.e. mother of the complainant, she asked them to behave properly as she had to go to her office in the morning. Thereafter, her father came to her room and assaulted her in the manner referred to in the FIR.

3. During the pendency of the proceedings, the parties have settled the dispute amicably. The petitioner is now praying for quashing of the FIR in question on the basis of settlement arrived at between the parties.

4. Though the petitioner has been charged with the offences, some of which are non-compoundable, but in the decision in the case of ***Gian Singh v State of Punjab & Anr. 2012 (9) SCALE 257***, the three Judges Bench of the Supreme Court dealing with the issue of quashing of FIR has laid down the following guidelines:-

“57. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences Under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed.

However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society.

Similarly, any compromise between the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and pre-dominantly civil favour stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

5. Today the complainant/respondent No.2, who is daughter of the petitioner/accused, is present in person and submits that her father has tendered apology to her and in view thereof, she does not want to continue with the criminal prosecution because of the delicate relationship i.e. father and daughter, between the parties.

6. Today the petitioner/accused has tendered his unconditional apology in writing today in the Court which has been accepted by the respondent

No.2/complainant vide acceptance letter placed on record today.

7. Learned counsel for the petitioner prays that since the petitioner has tendered his unconditional apology to the complainant/respondent No.2 which has been accepted by the complainant/respondent No.2, the FIR in question may be quashed.

8. Respondent No.2/complainant submits that she has no objection if the FIR in question against the petitioner and all proceedings emanating therefrom are quashed.

9. In view of the submissions made by the parties and that the parties have settled their dispute amicably, I am of the considered view that no useful purpose would be served by continuing the criminal proceedings against the petitioner, which will only be an exercise in futile and wastage of precious time of the Court.

10. Accordingly, FIR No.813/2014, under Sections 323/341/506/509/354B IPC, registered at P.S. Rajouri Garden, Delhi and consequential proceedings arising therefrom are hereby quashed.

11. The petition is allowed.

12. As prayed, copy of the order be given *dasti* to the parties.

PRATIBHA RANI, J.

JULY 06, 2017

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