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

+ W.P.(CRL) 802/2017

ANIS AHMED

..... Petitioner

Through: Mohd.Saif, Adv.

versus

STATE & ANR.

..... Respondents

Through: Mr.Ashish Aggarwal, ASC.

Insp.Ajay Kumar, P.S.Jahangir Puri.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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18.05.2017

The petitioner seeks quashing of FIR No.330/2016 dated 03.06.2016 (P.S.Jahangir Puri) instituted for the offences under Sections 288/304A and 34 of the IPC.

While the deceased was fixing an electric connection, without having been asked to do so, he received electric shock which led to his death. The FIR has been lodged by a co-worker who has stated that the deceased had been working along with him at the site for about 5-6 days.

The petitioner is said to be a contractor.

The deceased actually had started working at the site without any specific approval of the petitioner.

Be that as it may, since an accident took place, all efforts were made to provide medical assistance to the deceased. Unfortunately, he died in the hospital. Learned counsel for the petitioner did not even know that the

deceased was working at his site. In fact he was brought by the co-worker, who is the informant in the present case and who worked under him without any approval of the petitioner. However, taking into account the aforesaid fact, as a gesture towards humanitarian measure, the petitioner called the parents of the deceased and assured them to pay Rs.4.5 lakhs so that in some ways they could be recompensed. Out of the aforesaid amount of Rs.4.5 lakhs, 4 lakhs has already been paid. The respondents who are the parents of the deceased are present in Court. They submit that the settlement has been effected without any pressure or coercion from any quarter. They are satisfied with the quantum of compensation which has voluntarily been offered by the petitioner. The balance amount of Rs.50,000/- has been given to the respondents in Court which has been accepted by them on full satisfaction.

The parties are present in Court who have been identified by their respective counsels. Taking into account the aforesaid facts, this Court is inclined 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 reasons afore-recorded, the FIR No.330/2016 dated 30.06.2016 (P.S.Jahangir Puri) instituted for offences under Section 288/304A and 34 of the IPC and all the proceedings emanating therefrom are quashed.

The petition is disposed of in terms of the above.

ASHUTOSH KUMAR, J

MAY 18, 2017

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