

\$~2

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

+ W.P.(CRL) 1380/2017

S SRINIVAS BABU

..... Petitioner

Through: Mr.Deepjyot Singh, Advocate with
petitioner in person

versus

STATE (GOVT NCT OF DELHI) & ORS

..... Respondents

Through: Mr.Sanjay Lao, ASC for the State
with SI Rakesh Yadav, PS Vasant
Vihar
Mr.Ravikesh K.Sinha, Advocate for
R-3 with R-3 in person

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

%

11.07.2017

1. The present writ petition has been filed by the petitioner under Article 226/227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure for quashing of FIR No.1594/2015, under Sections 427/506/509 IPC, registered at P.S. Vasant Vihar and consequential proceedings arising therefrom.

2. FIR No.1594/2015, under Sections 427/506/509 IPC was registered at P.S. Vasant Vihar on the basis of complaint made by respondent No.3. As per the complaint, the petitioner, who is owner of Flat No.57 & 58, Vasant Enclave, New Delhi has abused the respondent Nos.2 & 3 in vulgar and abusive language and caused mental torture. As per the complaint, the

petitioner used abusive language to the extent of insulting the modesty of the women and further threatened them of dire consequences and threatened to break their legs if they look towards his flats or cross the road in front of his flat. The respondent Nos.2 & 3 are asthmatic and got breathless. Petitioner also damaged the car of the respondent Nos.2 & 3.

3. During the pendency of FIR in question and pendency of the Writ Petition (Civil) filed by the respondent No.2 against the construction activity being carried out by the petitioner in his flats, the matter was referred to the Mediation & Conciliation Centre, Delhi High Court. The matter has been amicably settled between the parties as per the settlement agreement dated 28th November, 2016.

4. It has been stated that both the parties have arrived at an amicable settlement resolving all their disputes and differences and respondent No.3/complainant does not wish to pursue the criminal case against the petitioner any further and want that the said FIR and all proceedings emanating therefrom may be quashed.

5. Though the petitioner has been charged with the offences, some of them 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.”

6. Learned counsel for the petitioner submits that since the matter in dispute has been amicably settled between the parties, no purpose would be served in prosecuting the petitioner any more, therefore, the FIR may be quashed.

7. Respondent No.2 is not present due to her old age and illness. Respondent No.3/complainant is present with counsel for R-2 & R-3 and affirms that respondent Nos.2 and 3 have amicably settled the dispute with the Petitioner in the Mediation Centre. She further submits that R-2 & R-3 are not interested in prosecuting the petitioner any further and the FIR in question and all proceedings emanating therefrom may be quashed qua the petitioner.

8. In view of the aforesaid amicable settlement arrived at between the parties, 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.

9. Accordingly, in view of the settlement arrived at between the parties before the Mediation Centre, the FIR No.1594/2015, under Sections 427/506/509 IPC, registered at P.S. Vasant Vihar and consequential proceedings arising therefrom are hereby quashed.

10. The petition is allowed.

Dasti.

PRATIBHA RANI, J.

JULY 11, 2017

‘hkaur’