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

+ W.P.(CRL) 848/2017

SANDEEP RATHI & ANR. Petitioners

Through: Mr.Atulay Nehra with
Mr.Mukesh Hooda, Adv.

versus

STATE & ANR. Respondents

Through: Ms.Srilina Roy, Adv. for
Ms.Nandita Rao, ASC
SI Vikasdeep, P.S. Sonia Vihar
Mr.Mukesh Hooda, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **13.10.2017**

The petitioners have sought quashing of the FIR No.388 dated 11.12.2016 (PS Sonia Vihar) instituted for the offences under Sections 307 IPC and 25/27 of the Arms Act.

Petitioner No.1 is stated to have fired from the licensed weapon of petitioner No.2, which led to injuries on the person of respondent No.2. It has been submitted on behalf of the petitioners that they are brothers and had participated in a wedding of a common relative, where the respondent No.2 had also visited as a guest. It has been submitted that there was no intention on the part of the petitioners to inflict any injury or any harm to anybody, much less respondent No.2, who is also, in some way, related to the petitioners.

The petitioners have been identified by their counsel.

Respondent No.2 is present in person along with her advocate.

This Court has interacted with respondent No.2 who has fairly stated that there was no intention of the petitioners to inflict any injury or harm to her.

Ms.Srilina Roy, learned proxy counsel for Ms.Nandita Rao, ASC, has submitted that the injuries suffered by respondent No.2 are grievous in nature.

However, this Court has observed that the respondent No.2 has recovered and there is no trace for her having been injured in the past. That apart, this Court has also taken note of the fact that petitioner No.2 is employed in the Indian Army.

Considering the aforesaid facts viz. the settlement of all disputes between the parties and there being absolutely no intention on the part of the petitioners to inflict any harm or injury to respondent No.2, this Court is of the view that no fruitful purpose will be served in keeping the investigation of the present case alive.

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.]*

For the reasons afore recorded, FIR No.388 dated 11.12.2016 (PS Sonia Vihar) instituted for the offences under Sections 307 IPC and 25/27 of the Arms Act and all the emanating proceedings therefrom are quashed.

The petition is disposed of.

ASHUTOSH KUMAR, J

OCTOBER 13, 2017
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