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

+ CRL.M.C. 1330/2017

JONNABI & ORS.

..... Petitioners

Through

Mr. C.S.S.Tomar, Advocate with  
petitioner in person

versus

THE STATE OF NCTOF DELHI & ANR

..... Respondents

Through

Mr. Ashok K.Garg, Addl. PP with SI  
Lalit Kumar, Pandav Nagar.  
Complainant in person  
Respondent no.2 in person

**CORAM:**

**HON'BLE MR. JUSTICE A. K. CHAWLA**

**ORDER**

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**19.05.2017**

By the petition filed under Section 482 Cr.PC, FIR No. 292/2013 under Sections 323/341/308/325/34 IPC, P.S. Pandav Nagar is sought to be quashed.

IO identifies the parties present before the Court.

The incident is the out-come of a trifle incident amongst the relatives, when one of the accused came drunk and used abusive language. Parties are not only the relations, but, living in the neighbourhood. Cross case being FIR No. 291/2013 under Sections 308/323/341/34 IPC P.S.Pandav Nagar was also registered in relation to the incident. Parties have arrived at a compromise/settlement and in pursuance thereof, the cross case being FIR No. 291/2013 under Sections 308/323/341/34 IPC has since been quashed vide judgment dated 21.2.2017. In pursuance of compromise/settlement arrived at, the subject FIR is also now sought to be quashed. It is stated that

though the charges have been framed only one PW i.e. the complainant, has come to be examined in chief. The remaining PWs are yet to be examined.

In my considered view, the ends of justice require that the subject FIR be also quashed in view of the compromise/settlement arrived at inasmuch as, it shall bring peace and harmony not only amongst the parties, but, in the locality as well. In Criminal Appeal No. 686/2014 titled **Narinder Singh & Ors. vs. State of Punjab & Anr.**, decided on 27<sup>th</sup> March, 2014, Hon'ble Supreme Court set down the principles for exercise of power under Section 482 Cr.P.C., in the following words :

**“31. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:**

**(I) Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution.**

**(II) When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:**

- (i) ends of justice, or**
- (ii) to prevent abuse of the process of any Court.**

**While exercising the power the High Court is to form an**

**opinion on either of the aforesaid two objectives.**

**(III) Such a power is not be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Similarly, for offences alleged to have been committed under special statute like the Prevention of Corruption Act or the offences committed by Public Servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender.**

**(IV) On the other, those criminal cases having overwhelmingly and pre-dominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.**

**(V) While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.**

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Keeping in view the ratio of the judgment (supra) and totality of the facts and circumstances, I am satisfied that ends of justice would be met, if, the subject FIR No. 292/2013, PS Pandav Nagar alongwith the consequential proceedings emanating therefrom is quashed. It is Ordered accordingly. Petition stands disposed off.

**A. K. CHAWLA, J**

**MAY 19, 2017/mw**