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

+ CRL.M.C. 1608/2017

KHURSHEED & ORS Petitioners

Through: Mr.Nishant Perwez, Adv.

versus

STATE (GOVT OF NCT OF DELHI) & ANR Respondents

Through: Mr.Arun Kr.Sharma, APP.

Mr.S.H.Ansari, Adv. for R-2 & 3.

ASI Jaswant, P.S.Aman Vihar.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **15.05.2017**

Crl.M.A.6507/2017

Exemption allowed, subject to all just exceptions.

Application is disposed of.

CRL.M.C. 1608/2017

The petitioners seek quashing of the FIR No.1139/2015 dated 14.09.2015 (P.S.Aman Vihar) instituted for offences under Sections 324/341/509 and 34 of the IPC.

The petitioners and respondents No.2 & 3 are known to each other. On the day of occurrence, over a minor issue, a fight took place in which respondents No.2 & 3 received injuries. This led to the registration of the subject FIR. A cross case also was registered vide FIR No.1136/2015 dated 13.09.2015 (P.S.Aman Vihar) instituted for the offences under Sections

324/341 and 34 of the IPC. It has submitted that because of the settlement between the parties, FIR 1136/2015 has already been quashed.

In the present case also, the parties have resolved their disputes and a settlement has been effected. The parties are not interested in prosecuting each other and wish to live as good neighbours. The aforesaid settlement is of their own volition and without any force, coercion or pressure from any quarter.

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.]

For the reasons afore-recorded, FIR No.1139/2015 dated 14.09.2015 (P.S.Aman Vihar) instituted for offences under Sections 324/341/509 and 34 of the IPC and all other proceedings emanating therefrom are quashed.

The petition is disposed of in above mentioned terms.

ASHUTOSH KUMAR, J

MAY 15, 2017/k