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

+ W.P.(CRL) 1260/2017

SURESH KUMAR & ORS

..... Petitioners

Through Mr.Binod Kumar Singh, Adv.

versus

STATE (NCT OF DELHI) & ANR

..... Respondents

Through Ms.Nandita Rao, ASC with Mr.Archit  
Vashistha, Adv.

SI Arvind Kumar PS Sonia Vihar.

**CORAM:**

**HON'BLE MR. JUSTICE ASHUTOSH KUMAR**

**ORDER**

% **19.07.2017**

The petitioners seek quashing of the FIR No.185/2012 dated 11.12.2012 (PS Sonia Vihar) instituted for the offences under sections 427/452/506/34 of the IPC.

The wife of the petitioner no.1 purchased a property from one Mr.Pawan Singh. The petitioner no.2 is said to be the witness of the power of attorney. The complainant also purchased the same property.

The present case has been lodged against the petitioners for trespassing and for purchasing the property which was earlier sold to the complainant. However, during the course of the investigation of this case, the dispute between the petitioners and respondent no.2 was settled.

The petitioners, this Court has been informed, have agreed to abandon their claim over the said land which was purchased by respondent no.2. It is

submitted that the aforesaid settlement is out of the volition of the parties and no force or threat has been exerted for them to arrive at that settlement. Respondent no.2 has expressed his unequivocal desire of not prosecuting the petitioners any further.

The parties are present in the Court. The petitioners have been identified by their counsel. Respondent no.2 is identified by the police officer attending the Court.

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.]*

Considering the aforesaid facts, the FIR No.185/2012 dated 11.12.2012 (PS Sonia Vihar) instituted for the offences under sections 427/452/506/34 of the IPC and all other attendant proceedings are quashed.

The petition is disposed of in terms of the above.

**ASHUTOSH KUMAR, J**

**JULY 19, 2017**

**ab**