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

+ CRL.M.C. 1452/2017

TARVINDER SINGH @ RINKU Petitioner

Through Mr. Karanjeet Kumar, Adv.

versus

STATE OF NCT OF DELHI & ANR Respondents

Through Dr. M.P. Singh, APP for the State.
SI Ajay Swami, HC Om Singh PS
Mandawali.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **26.05.2017**

The petitioner seeks quashing of the FIR No.764/2014 dated 13.08.2014 (PS Mandawali Fazal Pur) instituted for the offences under sections 354/509 of the IPC.

Respondent no.2 lodged the aforesaid case against the petitioner for the petitioner having misbehaved with her. From the narration of the events in the FIR, it appears that the petitioner and respondent no.2 are neighbours and because of the shop of the petitioner having been closed, there was some anger, which unfortunately got directed towards respondent no.2.

Respondent no.2 agreed to settle the dispute with the petitioner.

The petitioner is identified by his counsel whereas the respondent no.2 has been identified by the IO of the case.

Taking into account the trivial nature of the allegations in the FIR and

the factum of settlement between the petitioner and respondent no.2, this Court has been persuaded 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 aforesaid facts, the FIR No.764/2014 dated 13.08.2014 (PS Mandawali Fazad Pur) instituted for the offences under sections 354/509 of the IPC and all other proceedings emanating therefrom are quashed.

The petition is disposed of in terms of the above.

ASHUTOSH KUMAR, J

MAY 26, 2017
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