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

+ W.P.(CRL) 1167/2017

VINOD & ORS

..... Petitioners

Through Mr. Diler Singh Dedha, Adv.

versus

STATE & ANR

..... Respondents

Through Mr. Piyush Singhal, Adv. for Mr.
Ashish Aggarwal, ASC.
SI Sandeep PS Sagar Pur.
Md. Rahat, Adv. for complainant.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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23.05.2017

CrI.M.A.6582/2017

Exemption allowed, subject to all just exceptions.

Application is disposed of.

W.P.(CrI.) 1167/2017 & CrI.M.A. 6581/2017

The petitioners have sought quashing of the FIR No.462/2015 dated 19.06.2015 (PS Sagar Pur) instituted for the offences under sections 498A/323/494/34 of the IPC.

The petitioner no.1 is the husband of respondent no.2 whereas the other petitioners are related to petitioner no.1.

The petitioner no.1 was married to respondent no.2 way back in the year 2003. For some dispute which had occurred between the spouses in 2015, the subject FIR was lodged in which the petitioners have been

arraigned as accused persons.

Taking into account the fact that respondent no.2 had stayed with her husband happily for so many years and that the petitioners were willing to cooperate with respondent no.2 in carrying on her matrimonial obligations, respondent no.2 decided to abandon the present prosecution in order to live with petitioner no.1 under the same roof happily thereafter. This settlement was arrived at between the parties on 21.07.2014 before the mediation centre, Patiala House Courts, Delhi.

The petitioners as well as respondent no.2 are present in Court. This Court has interacted with respondent no.2 who has stated that now she is staying with the petitioners in the ancestral house and has no complaints against anyone of them. Since the matrimonial relationship between petitioner no.1 and respondent no.2 has been restored, no purpose would be served in keeping alive the investigation of the subject FIR any further.

The parties are present in Court who have been identified by their respective counsels.

Taking into account the aforesaid facts and the settlement arrived at between the petitioners 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.]

Thus, the inherent powers of the High Court, having a wide plenitude could be used for quashing the FIR for securing the ends of justice and to prevent the abuse of the process of the court.

For the aforesaid facts, the FIR No.462/2015 dated 19.06.2015 (PS Sagar Pur) instituted for the offences under sections 498A/323/494/34 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 23, 2017

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