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

+ CRL.M.C. 1431/2017

BUNTY @ YOGESGH & OTHERS

..... Petitioner

Through

Mr. Jyotindra Kumar and Mr. Dev
Shekhar, Advocates with petitioners
in person

versus

STATE NCT OF DELHI

..... Respondent

Through

Mr. Amit Ahlawat, Addl. PP with
ASI Ramavtar, P.S. Adarsh Nagar
Respondent No.2 in J/C.

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 212/2015 under Sections 324/34 IPC P.S. Adarsh Nagar is sought to quashed. IO identifies all the parties before the Court. Parties have arrived at a compromise/settlement and a copy of the compromise deed is annexure 'B' to the petition. Complainant - respondent no.2, who has been produced from JC, identifies his signatures on the compromise deed annexure 'B'. On being queried also, Respondent No.2 states that he has arrived at a compromise with the petitioners and that the FIR may be quashed.

The incident is the off-shoot of a trifle incident on account of loose talk amongst the parties, who are the neighbourers. It is stated that the complainant is still under examination and other prosecution witnesses also are yet to be examined.

Keeping in view the fact that the incident is the off-shoot of a trifle incident and the parties are the neighbourers and that, with the compromise arrived at, the trial may not bear any fruits and it may be a futile exercise inasmuch as the testimony of the complainant, who is the respondent no.2, is yet to be concluded. Parties, as said earlier, are the neighbourers and in the event the FIR is quashed, it shall bring harmony and peace 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 27th 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. 212/2015, PS Adarsh Nagar is quashed alongwith the consequential proceedings emanating therefrom. It is Ordered accordingly. Petition stands disposed off.

A. K. CHAWLA, J

MAY 19, 2017/mw