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

+ CRL.M.C. 2254/2017

ATUL KUMAR

..... Petitioner

Through Mr.Harinath Ram, Adv.

versus

STATE (NCT OF DELHI)& ANR.

..... Respondents

Through Mr.Arun Kumar Sharma, APP.
SI Rajender Singh PS Malviya Nagar.
Mr.M.C. Sharma, Adv. for
complainant.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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28.08.2017

Crl.M.A. 9231/2017 (delay of 14 days in re-filing)

For the reasons stated in the application, the delay of 14 days in re-filing the petition is condoned.

The application stands disposed of.

Crl.M.C. 2254/2017

The petitioner seeks quashing of the FIR No.1019/2014 dated 13.08.2014 (PS Malviya Nagar) instituted for the offences under sections 354/354A/506/509 of the IPC.

The petitioner and respondent no.2, both, were working in Pt. Madan Mohan Malviya Hospital at the relevant time. It has been alleged that the petitioner misbehaved with respondent no.2 on daily basis.

It has been submitted on behalf of the petitioner that there was some

misunderstanding between the two co-workers who were known to each other and after realising that the move of the petitioner was misunderstood, respondent no.2 has decided not to prosecute the petitioner any further.

This Court has been informed that the petitioner has now left his employment with Pt.Madan Mohan Malviya Hosptal and has taken up employment somewhere else. Respondent no.2 continues to work at Pt. Madan Mohan Malviya Hospital.

Regard being had to the nature of accusation in the FIR, settlement of disputes between the parties and the petitioner having tendered unconditional apology to respondent no.2, this Court feels inclined to quash the subject FIR.

The petitioner is present in Court and has been identified by his counsel. Respondent no.2 has been identified by SI Rajender Singh who is the IO of the case.

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, the FIR No.1019/2014 dated 13.08.2014 (PS Malviya Nagar) instituted for the offences under sections 354/354A/506/509 of the IPC and all the emanating proceedings therefrom are quashed.

The petition is disposed of in terms of the above.

ASHUTOSH KUMAR, J

AUGUST 28, 2017

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