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

+ CRL.M.C. 1460/2017

DEEPU KUMAR & ORS Petitioners

Through: Mr.Vimal Puggal, Advocate with
petitioners in person

versus

THE STATE & ORS Respondents

Through: Mr.Kewal Singh Ahuja, APP for the
State
Mr.Nasir Ali, Advocate for
Respondents with respondents in
person

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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20.07.2017

1. The present petition has been filed by the petitioners under Section 482 Cr.P.C. praying for quashing of FIR No.538/2014 registered under Sections 354A(1)/451/457/323/34 IPC at P.S. Geeta Colony, Delhi and consequential proceedings arising therefrom.
2. FIR No.538/2014 under Sections 354A(1)/451/457/323/34 IPC at P.S. Geeta Colony, Delhi was registered on the basis of the statement made by the complainant/respondent No.2. It was alleged that on 17th August, 2014 when after finishing my work complainant/respondent No.2 was resting in

the room at the roof of her house, at about 2245 hrs. her neighbour Deepu came on the roof and with bad intention he put his hand on her, she raised alarm and Deepu fled away. After 5-6 minutes later Deepu came with Sonu, Anil and three-four boys and started fighting with her husband, brother-in-law and mother-in-law. After hearing the noise neighbours gathered and they all ran away. PCR was called and complaint was made.

3. During the pendency of the proceedings, the parties have settled their dispute amicably with the intervention of friends and respectable persons of the society. The petitioners are now praying for quashing of the FIR in question on the basis of settlement arrived at between the parties.

4. Though the petitioners have been charged with the offences, some of which are non-compoundable, but in the decision in the case of *Gian Singh v State of Punjab & Anr. 2012 (9) SCALE 257*, the three Judges Bench of the Supreme Court dealing with the issue of quashing of FIR has laid down the following guidelines:-

“57. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences Under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed.

However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape,

dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society.

Similarly, any compromise between the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and pre-dominantly civil favour stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

5. Today the complainant/respondent No.2 as well as respondent Nos. 3 to 5 are present in person and submits that since they have settled their dispute amicably, in view thereof, she does not want to continue with the criminal prosecution against the petitioners.

6. Learned counsel for the petitioners prays that since both the parties have settled their dispute amicably, the FIR in question may be quashed. The petitioners have also agreed to pay ₹20,000 to the respondent No.2 to 5 (₹5,000 each) towards compensation.

7. Respondent No.2/complainant and respondent Nos. 3 to 5 further submit that the FIR in question against the petitioners may be quashed today and compensation amount may be paid to them within two weeks for which they will issue a receipt.

8. In view of the submissions made by the parties and that the parties have settled their dispute amicably, I am of the considered view that no useful purpose would be served by continuing the criminal proceedings against the petitioners, which will only be an exercise in futile and wastage of precious time of the Court.

9. The Petitioners are directed to pay a sum of ₹20,000 (Rupees Twenty Thousand Only) towards compensation to the complainant/respondent No.2 as well respondent Nos. 3 to 5 within two week. The proof of compliance be placed on record within one week thereafter.

10. Accordingly, FIR No.538/2014 under Sections 354A(1)/451/457/323/34 IPC at P.S. Geeta Colony, Delhi and consequential proceedings arising therefrom are hereby quashed.

11. The petition is disposed of accordingly.

Order *dasti*.

PRATIBHA RANI, J.

JULY 20, 2017
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