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

+ W.P.(CRL) 1100/2017

ROHAN @ MANU & ORS

..... Petitioners

Through: Mr. Mohd. Shariq with Mr. Irfaan
Ali, Advs.

versus

STATE NCT OF DELHI

..... Respondent

Through: Ms. Srilina Roy, Adv. for Ms.
Nandita Rao, ASC
SI Gaurav Panwar, P.S. Geeta Colony

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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22.05.2017

The petitioners have sought quashing of the FIR No.114/2017 dated 11.03.2017 (P.S. Geeta Colony) instituted for offences under Sections 308/34 of the IPC. The petitioners are said to have assaulted respondent No.2 and two others who were noticed on the last occasion.

Pursuant to the notice, the aforesaid two persons who, also are alleged to have been assaulted by the petitioners, have presented themselves and have stated before this Court that they, too, have compounded the offence with the petitioners.

Taking into account the nature of the accusation, the circumstances in which the FIR was lodged and the frivolous nature of the prosecution, this court is inclined to quash the subject FIR.

The parties have been identified by their respective counsel.

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. 114/2017 dated 11.03.2017 (P.S. Geeta Colony) and all other proceedings emanating therefrom are quashed.

The petition is disposed of in terms of the above.

ASHUTOSH KUMAR, J

MAY 22, 2017

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