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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 2096/2017

ASHISH GUPTA & ANR

..... Petitioners

Through: Mr. Harender Singh, Mr. Sujeet
Kumar and Mr. Ajay Kumar Singh,
Advocates

versus

STATE NCT OF DELHI

..... Respondent

Through: Dr. M P Singh, APP for State
Mr. Vivek Narayan Sharma, Mr.
Shoaib Haider, Mr. Ajay Singh & Mr.
Siddharth Mahajan, Advocate for R-
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CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% 15.09.2017

Crl. M A No. 8621/2017(exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

Crl. M A No. 8622/2017 (condonation of delay)

For the reasons stated in the application, the delay in filing the
petition is condoned.

The application stands disposed of.

CRL.M.C. 2096/2017

The petitioners seek quashing of FIR No. 198/2015 dated
27.02.2015, instituted for offences under Sections
279/341/354D/506/509/34 IPC.

On the day of the occasion, i.e. 27.02.2015, the car of the
respondent no.2 which was being driven by one Amey Singh, brushed
against the car of the petitioners. The petitioners are, thereafter,
alleged to have misbehaved with the respondent no.2.

Both, the petitioners and the respondent no.2 are working in MNCs and have taken a decision not to prosecute each other.

From the averments made in the petition, it appears that the occurrence took place in a flash of temper because the vehicle of the petitioners was damaged as the associate of respondent no.2 drove the car in a rash manner.

Learned counsel appearing for the parties have stated before this Court that the petitioners had expressed their regret before respondent no. 2 and the respondent no. 2 is not now desirous of prosecuting the petitioners in this case any further.

Taking into account the afore-noted facts, this Court is inclined to quash the subject FIR. While saying so, this Court has taken note of the young age of the petitioners and the respondent no.2, who are gainfully employed and any pendency of litigation would only prevent them from remaining focussed in their jobs, which would not be beneficial for them in future.

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. 198/2015 dated 27.02.2015 instituted for the offences under Sections 279/341/354D/506/509/34 IPC and all the emanating proceedings therefrom are quashed.

The petition is disposed of.

ASHUTOSH KUMAR, J.

SEPTEMBER 15, 2017/P