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

+ W.P.(CRL) 1190/2017

NAGENDER VASHISHT & ORS Petitioners

Through Mr. Atul Varma, Adv.

versus

THE STATE & ANR Respondents

Through Mr. Rahul Mehra, St. Counsel.
SI Satish Lohia PS Hauz Khas.
Mr. M.S. Jadhav, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **19.05.2017**

CRL. M.A.6733/2017

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(Crl.) 1190/2017

The petitioners seek quashing of the FIR No.215/2016 dated 22.02.2016 (PS Huaz Khas) instituted for the offences under sections 323/354/354(B)/452/ 34 of the IPC.

It has been submitted on behalf of the petitioners that respondent no.2 is the sister-in-law of the petitioners. It has been alleged that the petitioners assaulted respondent no.2 and her husband leading to injuries on their person.

Learned counsel for the petitioners has drawn the attention of this

Court to the contents of FIR No.214/2016 in the same police station instituted for the offences under sections 323/341/308/34, lodged by the petitioners against respondent no.2 and her husband. The aforesaid FIR namely FIR No.214/2016 has been quashed by an order of this Court.

According to the terms of settlement, the petitioners had to pay to the respondents certain sum of money, not for the purposes of quashing of the FIR but towards settlement of family property disputes. The obligation put upon the petitioners has already been reformed and the balance amount of money has been paid in Court today which has been accepted by respondent no.2 on full satisfaction.

It is submitted that taking into account the fact that the parties are related to each other and stay at the same place and the dispute arose out of dispute over partition or apportionment of family property, it was decided amongst them to settle all disputes forever. As part of that, they have agreed to have two FIRs referred to above quashed. One of the FIRs has already been quashed by an order of this Court.

As such this Court has been persuaded to quash the subject FIR.

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.]

Thus, the inherent powers of the High Court, having a wide plenitude could be used for quashing the FIR for securing the ends of justice and to

prevent the abuse of the process of the court.

For the aforesaid facts, the FIR No.215/2016 dated 22.02.2016 (PS Huaz Khas) instituted for the offences under sections 323/354/354(B)/452/34 of the IPC and all other proceedings emanating therefrom are quashed.

The petition is disposed of in terms of the above.

ASHUTOSH KUMAR, J

MAY 19, 2017
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