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

+ CRL.M.C. 1696/2017

DEV RAJ @ PAPPE & ORS

..... Petitioners

Through: Petitioners in person

versus

THE STATE NCT OF DELHI & ANR

..... Respondents

Through: Ms.Kusum Dhalla, APP for the State
with SI Ashish
Mr.Dharmendra Sharma, Advocate
for R-2 with R-2 in person

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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24.07.2017

1. This petitioner has been filed by the petitioners under Section 482 Cr.P.C. praying for quashing of the FIR No.251/2015, under Section 323/506/341/34 IPC, PS Bhajanpura as the petitioner and respondent No.2 have amicably settled their disputes vide settlement deed dated 10th January, 2017.

2. The FIR in question has been registered pursuant to the direction given by learned Metropolitan Magistrate in exercise of its power under Section 156(3) Cr.P.C. in the criminal complaint filed by the complainant/respondent No.2.

3. As per the FIR, on 5th June, 2014 at about 8.45 p.m., after taking the

meal the complainant was walking in the park at C1, Yamuna Vihar. After some walk when he was sitting on a bench under the T-Hut of the park at about 9.30 p.m., petitioners came with beer and wine bottle and asked the complainant to leave the seat. The complainant refused to leave the seat which caused annoyance to the petitioner. They started beating the complainant with danda and rods. The brother of the complainant also reached the spot and informed the PCR. The complainant/respondent No.2 was taken to the hospital where he was treated for the injuries suffered by him.

4. The cross case being FIR No.696/2014 under Sections 354/354A IPC was also registered at PS Bhajanpura on the complaint of Ms.Ekta, wife of Devraj@ Pappe, petitioner No.1 herein.

5. In compliance of the last order dated 12th July, 2017, today learned counsel for the respondent No.2 has placed on record certified copy of the settlement deed dated 10th January, 2017 which is taken on record. The original settlement deed was filed in the petition seeking quashing of case FIR No.696/2014 under Sections 354/354A IPC PS Bhajanpura and after obtaining certified copy of the settlement deed it has been placed on record for quashing of case FIR No. 251/15 under Sections 323/506/341/34 IPC PS Bhajanpura.

6. As per the settlement deed, two cross cases being FIR No.251/15 under Sections 323/506/341/34 IPC PS Bhajanpura as well FIR No.696/2014 under Sections 354/354A IPC PS Bhajanpura have been settled. It is further informed that in view of this settlement, the case FIR No.696/2014 under Sections 354/354A IPC PS Bhajanpura has already been quashed and now this case FIR No.251/15 under Sections 323/506/341/34

IPC PS Bhajanpura is left.

7. It has been stated that both the parties have arrived at an amicable settlement out of their own sweet will, without any pressure and force from any corner and respondent No.2/complainant does not wish to pursue the criminal case against the petitioners any further and want that the said FIR and all proceedings emanating therefrom may be quashed.

8. Though the petitioners have been charged with the offences, some of them 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.”

9. Petitioners, who are present in person, submit that since the matter in dispute has been amicably settled between the parties, no purpose would be served in prosecuting them any more, therefore, the FIR may be quashed.

10. Respondent No.2/complainant is present in Court today and affirms that he has amicably settled the dispute with the Petitioners in terms of the

settlement deed dated 10th January, 2017. He further submits that he is not interested in prosecuting the petitioner any further and the FIR in question and all proceedings emanating therefrom may be quashed qua the petitioners.

11. In view of the aforesaid amicable settlement arrived at between the parties, 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.

12. Accordingly, in view of the settlement arrived at between the parties vide settlement deed dated 10th January, 2017, the FIR No.251/2015, under Section 323/506/341/34 IPC, PS Bhajanpura and consequential proceedings arising therefrom are hereby quashed.

13. The petition is allowed.

Dasti.

PRATIBHA RANI, J.

JULY 24, 2017

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