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

+ W.P. (Crl) 1313 / 2017

SANDEEP

..... Petitioners

Through: Mr.Neeraj Dahiya, Adv.

versus

STATE NCT OF DELH & ANR

..... Respondents

Through: Ms.Nandita Rao, ASC with SI
Yashvir Kumar, P.S. Sarojini Nagar
Mr. Onkar Singh, Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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03.05.2017

The petitioner seeks quashing of the FIR No.450/2016 dated 15.12.2016 (P.S. Chhawla) instituted for the offences under Sections 323/354/ 509 of the IPC.

The respondent No.2 has alleged that the petitioner, on being asked to take his dog away, misbehaved with her and also pushed her. She also alleges of being threatened of dire consequences. The offences alleged in the first information report do not clearly make out any offence for which the petitioner has been charged. It appears that while the petitioner was moving with his dog, the respondent No.2 got frightened and, may be under the fear that the dog might attack her, said something which was retaliated by the petitioner. It has been submitted on behalf of the petitioner that there was no intention to cause any bodily injury or harm to the respondent No.2. It is further submitted that the petitioner and the respondent No.2 both, on

realizing the futility of any future litigation and keeping in mind that they are neighbours, decided to put a quietus to the dispute. A settlement deed was executed which has been made part of the record.

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.]

Considering the aforesaid facts, the FIR No.450/2016 dated 15.12.2016 (P.S. Chhawla) under Sections 323/354/509 of the IPC and all the emanating proceedings therefrom are quashed.

The petition is disposed of in terms of the above.

ASHUTOSH KUMAR, J

MAY 03, 2017

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