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

+ CRL.M.C. 2149/2017 & Crl.M.A. 8808-09/2017

KAWAL JIT SINGH @ LUCKY Petitioner

Through: Mr. Shalabh Gupta, Adv.

versus

STATE & ANR Respondents

Through: Mr. Ashish Dutta, APP for the State
SI Amit Pratap singh, P.S. Hazrat
Nizamuddin

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **24.05.2017**

The petitioner has sought quashing of the FIR No.810/2015 dated 08.12.2015 (P.S. Hazrat Nizamuddin) instituted for offences under Sections 354A, 509 and 451 of the IPC. The respondent No.2 has alleged that the petitioner misbehaved with her and also spoke uncharitably to her. It has been submitted that the dispute arose because the petitioner was aggrieved by the fact that the husband of respondent No.2 had delayed unreasonably in making payments to the petitioner.

Be that as it may, during the pendency of the FIR, the parties settled their disputes and decided to put a quietus to the present prosecution. As part of the settlement, it was decided amongst the parties that the present FIR would not be pressed and the complaint filed by the petitioner against the husband of respondent No.2 under Section 138 of the Negotiable Instruments Act, 1881 would be withdrawn after the quashing of the FIR.

Taking into account the aforesaid facts, namely, the settlement between the parties and their conscious decision not to prosecute each other in any forum, this court is persuaded to quash the subject FIR. From the reading of the FIR also there does not appear to be any definite allegation which would constitute any charge under Sections 354A, 509, 451 or 506 of the IPC.

The parties have been identified by their respective counsel.

Respondent No.2 is present in the Court along with her husband who affirms the fact that the settlement has been arrived at between the parties without any threat, pressure or coercion.

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. 810/2015 dated 08.12.2015 (P.S. Hazrat Nizamuddin) and all other proceedings emanating therefrom are quashed.

The petition is disposed of in terms of the above.

ASHUTOSH KUMAR, J

MAY 24, 2017

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