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

+ CRL.M.C. 2312/2017

SURENDER SINGH & ANR Petitioner

Through: Mr.Nasimuddin, Advocate with
petitioners in person

versus

STATE OF NCT OF DELHI & ANR Respondent

Through: Ms.Kusum Dhalla, APP for the State
with SI Mahesh Singh, PS Pandav
Nagar
Mr.Dinesh Yaduvanshi, Advocate for
R-2 with R-2 in person.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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04.08.2017

1. This petition has been filed by the petitioners under Section 482 Cr.P.C. praying for quashing of the FIR No.108/2014 under Sections 354/34 IPC registered at PS Pandav Nagar, Delhi and the proceedings emanating therefrom on the basis of compromise between the parties.

2. The case FIR No.108/2014 under Sections 354/34 IPC, PS Pandav Nagar was registered on the statement made by the respondent No.2 to the effect that on 15th February, 2014 at about 2:45 PM she was sitting outside her house when the petitioners came to her and said that she can do nothing against them as they have won the previous case in the Court. Surender, petitioner No.1 caught her hand and pushed her touching her breast. She got her hand released and went inside the house and called the PCR. On the basis of her complaint the FIR in question has been registered.

3. The petitioners have placed on record their written apology to the complainant submitting that the quarrel was for laying of cable wires and when she started objecting to the same there was a quarrel and in the process she was pushed and thereafter she lodged the report. But now the matter has been amicably settled.
4. The complainant who is present along with her husband confirms that the statement is without any pressure or coercion.
5. The Respondent No.2/complainant submits that quarrel started with the petitioners on the issue of laying of cable wires in front of her house when she was pushed by Surender who touched her breast. The respondent No.2/complainant submits that her husband was not at home at that time so she called the PCR and she misunderstood the intention while lodging the report.
6. 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.”

7. In view of the legal position laid down in *Gian Singh's case* (Supra) and 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 respondents, which will only be an exercise in futile and wastage of precious time of the Court.

8. Accordingly, in terms of the compromise between the parties, FIR bearing No.108/2014, under Sections 354/34 IPC, registered at PS Pandav Nagar, Delhi and all consequential proceedings emanating therefrom are hereby quashed. The petition is allowed.

9. Copy of the order be given *dasti* to the parties.

PRATIBHA RANI, J.

AUGUST 04, 2017

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