

\$~5

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **CRL.M.C. 1862/2017**

**ROODU MANDAL & ORS** ..... Petitioners  
Through **Mr. Rashid Hussain, Adv.**  
versus

**STATE & ORS** ..... Respondents  
Through **Mr. Arun Kr. Sharma, APP**  
**SI Manu Dev, P.S. Amar Colony**

**CORAM:**  
**HON'BLE MR. JUSTICE ASHUTOSH KUMAR**

**ORDER**  
% **16.08.2017**

This matter has been taken up today as 14.08.2017 was declared a holiday on account of Janmashtami.

The petitioners seek quashing of the FIR No.601/2015 dated 14.05.2015 (P.S. Amar Colony) instituted for offences under Sections 354, 506, 509 and 34 of the IPC read with Section 8 of the POCSO Act.

It has been submitted on behalf of the petitioners that they have been made accused in this case out of ill will which was generated between them and the respondents because of the petitioners having levelled allegation of theft against respondent No.3. The FIR reveals that the petitioners came to the house of the respondents No.2 and 3 and misbehaved with respondent No.2. It has been clearly stated in the FIR that because of the respondent No.3, who is the mother of respondent No.2, having committed theft of certain properties belonging to the petitioners that this occurrence taken place.

Be that as it may, this court has been informed that the petitioners and

respondents stay in the same locality and in fact one of the petitioners is directly related to respondents No.2 and 3. Because of the relationship between the parties and also goaded by the fact that the parties stay together in the same locality, a decision was taken at their end to settle the dispute. A copy of the settlement deed has also been brought on record.

There does not appear to be any monetary transaction with respect to obtaining consent for getting the FIR quashed. The idea to settle the dispute is voluntary. The respondents are present in court.

Regard being had to the aforesaid facts, namely, the settlement of disputes between the parties and their unequivocal intention of not prosecuting the petitioners any further, this court feels inclined 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.]*

For the reasons afore-recorded, the FIR No. 601/2015 dated 14.05.2015 (P.S. Amar Colony) instituted for offences under Sections 354, 506, 509 and 34 of the IIPC read with Section 8 of the POCSO Act and all the emanating proceedings therefrom are quashed.

The petition is disposed of.

**AUGUST 16, 2017/ns**

**ASHUTOSH KUMAR, J**