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

+ **W.P.(CRL) 1389/2017**

VIPIN GAMBHIR

..... Petitioner

Through: Mr. Nishchal Joshi, Adv.

versus

STATE & ANR.

..... Respondents

Through: Mr. Jamal Akhtar, Adv. for Mr. Rahul Mehra, Standing Counsel (Cri.) for the State
SI Pramod Kumar, P.S. Shalimar Bagh

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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16.05.2017

Crl.M.A.7672/2017

Exemption allowed, subject to all just exceptions.

Application is disposed of.

W.P.(CRL) 1389/2017

The petitioner has sought quashing of the FIR No.716/2016 dated 04.12.2016 (P.S. Shalimar Bagh) instituted for offences under Section 323/341/506 of the IPC.

Respondent No.2 in her complaint has alleged that on the issue of throwing of garbage near her house, a fight took place in which the petitioner got enraged and assaulted her husband and son. It has also been averred in the FIR that she was given a push as a result of which she had a

fall. The petitioner is also said to have harmed himself in a fit of temper. On the basis of aforesaid complaint, the subject FIR was lodged.

Learned counsel for the petitioner submits that he and respondent No.2 are neighbours and have been residing in the same locality for the last 25 years. With the intervention of community people, elders, neighbours and well wishers, the dispute between the parties have been amicably settled and a settlement agreement dated 24.04.2017 has also been brought into existence. The parties are present in Court who have been identified by their respective counsels. This Court on interaction with the respondent No.2 feels that with the settlement of dispute between the neighbours, it would not be expedient to continue with the prosecution of the petitioners. As such this Court has been persuaded 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.]

Thus, the inherent powers of the High Court, having a wide plenitude could be used for quashing the FIR for securing the ends of justice and to prevent the abuse of the process of the court.

For the reasons afore-recorded, the FIR No.716/2016 dated 04.12.2016 (P.S. Shalimar Bagh) instituted for offences under Section 323/341/506 of the IPC and all the proceedings emanating therefrom are

quashed.

The petition is disposed of in terms of the above.

ASHUTOSH KUMAR, J

MAY 16, 2017

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