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

+ CRL.M.C. 1922/2017

PRAKASH CHAND & ORS Petitioners
Through Mr. R.P.S. Bhatti, Adv.

versus

THE STATE GOVT OF NCT OF DELHI & ANR Respondents
Through Dr. M.P. Singh, APP.
ASI Yaspal Singh, P.S. Karawal
Nagar
Mr. A.A. Khan, Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **22.08.2017**

The petitioners seek quashing of the FIR No.449/14 dated 27.05.2014 (P.S. Karawal Nagar) instituted for offences under Sections 451, 323, 354B, 354, 506 and 34 of the IPC.

The FIR reveals that on the day of *Holi*, some occurrence took place which resulted in filing of the present FIR as well FIR No.208/14. The parties reside in the same building and only because of some misunderstanding on the day of *Holi*, the present case was lodged. The cross FIR (FIR No.208/14) lodged by one of the family members of the petitioners has been quashed by this court on the strength of settlement having been arrived at and also on taking into account the nature of accusation.

The petitioners and respondent No.2 are present in court, who have been identified by their respective counsels.

Taking into account the nature of accusation in the FIR, relationship between the parties and the fact that the families live in the same building, this court is inclined to quash the subject FIR. While saying so, the court only takes a holistic view of the matter that any continuance of the proceedings as against the petitioners would be futile. Even the nature of the accusations in the FIR, do not make out any case with respect to the offences for which the petitioners have been charged.

Taking into account the aforesaid facts, this court is inclined to quash the subject FIR as no useful purpose would be served in keeping the investigation in the aforesaid case pending.

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 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.449/14 dated 27.05.2014 (P.S. Karawal Nagar) instituted for offences under Sections 451, 323, 354B, 354, 506 and 34 of the IPC and all the emanating proceedings therefrom are quashed.

The petition is disposed of.

Dasti.

ASHUTOSH KUMAR, J

AUGUST 22, 2017/ns