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

+ W.P.(CRL) 1454/2017

AAKASH WADHERA Petitioner

Through: Ms.Reena Jain, Adv.

versus

STATE & ORS Respondents

Through: Mr.Sanjay Lao, ASC.

SI Suresh Kumar, P.S.Rajouri Garden.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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15.05.2017

The petitioner seeks quashing of FIR No.190/2017 dated 14.04.2017 (P.S.Rajouri Garden) instituted for the offences under Sections 323/341/342/354 and 509 IPC. The petitioner was known to the respondent No.2 from before. On the day of the occurrence, it is alleged that no sooner the petitioner saw the respondent No.2 with other male friends, he lost his mental balance and he not only assaulted the respondent No.2 but also broke her mobile telephone.

The petitioner has expressed his regret with the respondent No.2 who has, in a measure of large heartedness and taking into account old relationship, has condoned the petitioner.

The petitioner assures this Court that he shall never ever enter into this kind of misadventure.

This Court has interacted with the petitioner and respondent No.2 and it appears that both are young persons who are prosecuting their respective vocations in life. Respondent No.2 does not wish to prosecute the petitioner

any further. The chargesheet in this case has yet not been submitted.

Taking into account the nature of accusation and the fact that respondent No.2 does not wish to prosecute the petitioner any further, this Court is persuaded to quash the first information report.

The allegations levelled in the first information report also do not appear to be of a serious nature but only a fall out of an estranged relationship between the petitioner and the respondent No.2.

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.190/2017 dated 14.04.2017 (P.S.Rajouri Garden) instituted for the offences under Sections 323/341/342/354/509 of the IPC and all the emanating proceedings therefrom are quashed.

The petition is disposed of in terms of the above.

ASHUTOSH KUMAR, J

MAY 15, 2017/k