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

+ CRL.M.C. 1935/2017

SANDEEP LAKRA & ORS

..... Petitioner

Through Mr. Sanjeev Lakra, Adv.

versus

STATE (NCT OF DELHI) & ANR

..... Respondent

Through Ms. Aashaa Tiwari, Addl. PP for
State with ASI Virender Kumar.
Mr.Rohit Malik, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE ANIL KUMAR CHAWLA

ORDER

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15.05.2017

CRL. M.A. 7964/2017 (Exemption)

Exemption allowed subject to just exceptions.

Application stands disposed of.

CRL.M.C. 1935/2017

Instant petition under Section 482 Cr.P.C. has come to be filed seeking quashing of the FIR No.1/2016, under Sections 323/452/506/23 IPC, PS Mundka. Settlement arrived at amongst the complainant and the applicants-accused persons is the foundation of the petition.

2. Ld. Addl. PP states that the petition may be disposed of outrightly and that, the IO is also present and can identify the

complainant as also the accused persons. The complainant and the applicants-accused persons have come to be identified by the IO before the Court.

3. Off-shoot of the registration of the FIR is a trifle incident of foul smell oil emanating from the premise/factory, where the complainant is working as an employee. It is alleged that the applicants-accused persons, who have their office in the neighbourhood, were passing by in their car at about 5.30 a.m. on 1.1.2016, when they smelt foul smell of oil. In a fit of rage, the applicants allegedly broke open the gate, forcibly entered the premises and not only gave beatings to the complainant with fist blows, but, also threatened of dire consequences.

4. In the settlement deed, which is notarised and filed alongwith the petition, the parties have stated that they seek to resolve the dispute of their own sweet and free will, without any force or coercion. No previous enmity amongst the parties is pointed out and both the parties are stated to be living/working in the neighbourhood. Dispute is of a private nature. Though, the challan has come to be filed, but, it is stated that the trial has not commenced.

In Criminal Appeal No. 686/2014 titled **Narinder Singh & Ors. vs. State of Punjab & Anr.**, decided on 27th March, 2014, Hon'ble Supreme Court set down the principles for exercise of power under Section 482 Cr.P.C., in the following words :

“31. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482

of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:

(I) Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution.

(II) When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:

- (i) ends of justice, or
- (ii) to prevent abuse of the process of any Court.

While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.

(III) Such a power is not to be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Similarly, for offences alleged to have been committed under special statute like the Prevention of Corruption Act or the offences committed by Public Servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender.

(IV) On the other, those criminal cases having overwhelmingly and pre-dominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.

(V) While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.

.....”

Keeping in view the ratio of the judgment (supra) and totality of the facts and circumstances, I am satisfied that the dispute is of private nature; trial may be futile, inasmuch as the parties have arrived at a settlement/compromise; and, settlement/compromise arrived at will bring peace and tranquillity in the locality. The ends of justice therefore, require that the FIR be quashed. It is Ordered accordingly. Petition stands disposed off.

ANIL KUMAR CHAWLA, J

MAY 15, 2017

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