

\$~47

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

+ **W.P.(CRL) 1564/2017**

VINEET CHIKARA Petitioner
Through: Mr. Rakesh Bansal, Adv.

versus

THE STATE & ANR Respondents
Through: Mr. Sanjay Lao, ASC with Mr.
Siddharth Sindhu, Adv. for the State
SI Pawan Kumar, P.S. Harsh Vihar

CORAM:
HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER
% **23.05.2017**

CRL. M.A.8732/2017

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(CRL) 1564/2017

The petitioner seeks quashing of the FIR No.26/2015 dated 13.01.2015 (P.S. Harsh Vihar) instituted for the offences under Sections 341, 308 and 34 of the IPC. From the narration made in the FIR itself, it appears that there was some dispute between the children of the locality which led the elders to pick up fight and assault each other. Respondent No.2, the complainant and respondent No.3 are said to have been injured in the occurrence. Though respondent No.3 has received injuries on head which are said to be grievous but respondent Nos.2 and 3, on seeing the futility of any further prosecution of the petitioner, have decided to settle the

dispute. They do not wish to prosecute the petitioner now for the simple reason that they want to live as good neighbours. The petitioner as well as respondents have realised that they ought not to have jumped in the arena of fight between children and should not have taken law in their hands.

However, taking into account the aforesaid facts, namely, the nature of accusation, the genesis of the occurrence and the factum of settlement between the parties, this Court has been persuaded to quash the subject FIR. While taking this decision, the Court has also taken into account the fact that the petitioner as well as respondents are in their early twenties and it will not augur well for them to be part of this investigation/case.

Respondent Nos. 2 and 3 have been identified by the investigating officer of the case whereas the petitioner has been identified by his counsel.

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 aforesaid facts, the FIR No. 26/2015 dated 13.01.2015 (P.S.Harsh Vihar) and all other proceedings emanating therefrom are quashed.

The petition is disposed of in terms of the above.

MAY 23, 2017/ns

ASHUTOSH KUMAR, J