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

+ CRL.M.C. 2224/2017

ANKIT SINGH & ORS

..... Petitioners

Through: Mr.Manish Kumar, Proxy Counsel for
the petitioner

versus

THE STATE GOVT OF NCT OF DELHI & ANR Respondents

Through: Ms.Kusum Dhalla, APP for the State

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

27.07.2017

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1. The present petition has been filed by the petitioners under Section 482 of the Code of Criminal Procedure praying for quashing of FIR No.325/2013, under Sections 323/354/509 IPC, registered at P.S. Bindapur, Delhi and consequential proceedings arising therefrom.

2. On the basis of the complaint made by Urmila Devi, respondent No.2 to the effect that she is a house wife, she had a quarrel with Uma Kumari, petitioner No.2 over the issue of beating a neighbour child. The petitioner No.1 Ankit Singh (dead) and Petitioner No.2 Asha also started abusing her. Petitioner No.1 Ankit Singh who appeared to be under the influence of liquor also hit her and her blouse was torn. When the husband of the complainant tried to save her, the petitioners Ankit and Asha also had a scuffle with him.

3. Learned counsel for the petitioners submit that during the pendency of this petition, petitioner No.1 Ankit Singh has expired on 19th June, 2017 (i.e. after the filing of this petition) and has placed on record the Death Certificate. Sh. Chander Prakash, who is husband of Asha, petitioner No.3 is also present and submits that Uma Kumari, petition No.2 & Asha, petitioner No.3 are not able to come as they are in advanced stage of pregnancy. Mr.Chander Prakash also informs that due to some typographical error Asha, petitioner No.3 is shown as wife of Ankit Singh, petitioner No.1, though he is husband of Asha, petitioner No.3 and is appearing before the Court on behalf of his sister Uma Kumari, petitioner No.2 and his wife Asha, petitioner no.3 .

4. During the pendency of FIR in question, the matter has been amicably settled between the parties through Dwarka Court Mediation Centre vide compromise deed dated 12th May, 2017. The copy of the compromise deed is also annexed with this petition as Annexure P-2.

5. Though the petitioners have been charged with the offences, some of them are non-compoundable, but in the decision in the case of ***Gian Singh v State of Punjab & Anr. 2012 (9) SCALE 257***, the three Judges Bench of the Supreme Court dealing with the issue of quashing of FIR has laid down the following guidelines:-

“57. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences Under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord

with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed.

However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and pre-dominantly civil favour stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of

law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

6. Learned counsel for the petitioners submit that since the matter in dispute has been amicably settled between the parties, no purpose would be served in prosecuting the petitioners any more, therefore, the FIR may be quashed.

7. Respondent No.2/complainant is present in Court today and affirms that she has amicably settled the dispute with the petitioners. She further submits that petitioner No.1 has expired and she is not interested in prosecuting the petitioners Nos.2 & 3 any further and the FIR in question and all proceedings emanating therefrom may be quashed.

8. In view of the aforesaid amicable settlement arrived at between the parties, I am of the considered view that no useful purpose would be served by continuing the criminal proceedings against the petitioners, which will only be an exercise in futile and wastage of precious time of the Court.

9. Accordingly, in view of the settlement arrived at between the parties, the FIR No.325/2013, under Sections 323/354/509 IPC, registered at P.S. Bindapur, Delhi and consequential proceedings arising therefrom are hereby quashed.

10. The petition is allowed.

Dasti.

PRATIBHA RANI, J.

JULY 27, 2017/ 'hkaur'