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

\+ CRL.M.C. 2105/2017 & Crl.M.A.No. 8639/2017 (Exemption)

ASHOK KUMAR & ORS ..... Petitioner
Through Mr. Nusrat Hossain for Mr.Naveen Gulia, Advocate

versus

STATE (GOVT OF NCT OF DELHI) & ANR ..... Respondent
Through Ms.Aaasha Tiwari, Addl.PP with SI Ajay Kumar, P.S.Hari Nagar
Mr. Anil Bhardwaj and Ms.Narmada, Advs. for respondent No.2 & 3

CORAM:
HON'BLE MR. JUSTICE A. K. CHAWLA

O R D E R

% 22.05.2017

By the petition, filed under Section 482 Cr.PC the petitioners and respondents No. 2 & 3 jointly seek quashing of the FIR No. 698/2015 under Sections 308/34 IPC, P.S.Nangloi in pursuance of a compromise/settlement arrived at amongst them. IO identifies the parties present before the court.

The off-shoot of the registration of the FIR is a trifle incident of an argument leading to use of abusive language and assault besides damage to the vehicle of the complainant. Petitioner No.3 and respondent No.3 are stated to be the cousins while the petitioner No.1 is stated to be nephew of the respondent no.3. Petitioners as well as the respondent Nos. 2 & 3 are also stated to be living in the neighbourhood. No previous enmity has come to be pointed out either

by the parties or the IO present before the court. On being queried, it is stated by all, including the IO, that, though the charges have come to be framed, the prosecution evidence is yet to commence.

With the compromise/settlement arrived at, I do not consider that the trial would bear any fruits. Be that as it may, the parties being the relatives and the incident being the off-shoot of a trifle incident amongst the relations/neighbours, I consider that the ends of justice require that the subject FIR be quashed.

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:**
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> **(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.**
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> **(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:**
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> **(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 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.

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.....”

Keeping in view the ratio of the judgment (supra) and totality of the facts and circumstances, I am satisfied that ends of justice would be met with, if, the subject FIR no. 698/2015, PS Nangloi, is quashed, alongwith the consequential proceedings emanating therefrom. It is Ordered accordingly. Petition stands disposed off.

A. K. CHAWLA, J

MAY 22, 2017
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