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

+ CRL.M.C. 2325/2017

TARUN RAJORA Petitioner
Through Mr.Sahil Munjal, Adv.

versus

THE STATE NCT OF DELHI & ANR Respondents
Through Mr.Arun Kumar Sharma, APP.
SI Manmohan PS Rani Bagh.
Mr.Varun Mittal, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **28.08.2017**

Crl.M.A.9465/2017 (Exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

Crl.M.C.2325/2017 & Crl.M.A. 9464/2017 (stay)

The petitioner who is the own brother of respondent no.2 has sought quashing of the FIR No.653/2014 dated 31.08.2014 (PS Rani Bagh) instituted for the offences under sections 354/323/506 of the IPC.

It has been alleged in the FIR that the petitioner had been assaulting his father, respondent no.2 (sister) and another disabled sister. It has been submitted on behalf of the petitioner that the whole dispute arose out of the matrimonial dispute between him and his wife. Today, the petitioner stands divorced as against his wife who has also filed a case against the petitioner and his other family members.

During the course of the investigation of the present case, settlement was arrived at between the parties. The sister (respondent No.2) does not wish to prosecute his brother any further. It has also been submitted that after the settlement, the petitioner has been residing in the family along with respondent no.2 and other family members.

Taking into account the aforesaid facts, this Court is inclined to quash the subject FIR as no useful purpose would be served in prosecuting the petitioner any further.

The petitioner and respondent no.2 are present and have been identified by their respective counsels.

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 reasons afore-recorded, the FIR No. 653/2014 dated 31.08.2014 (PS Rani Bagh) instituted for the offences under sections 354/323/506 of the IPC and all the emanating proceedings therefrom are quashed.

The petition is disposed of in terms of the above.

ASHUTOSH KUMAR, J

AUGUST 28, 2017/ab