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

+ W.P.(CRL) 1646/2017

AMAN SHARMA & ANR

..... Petitioners

Through Mr.Vivek Sharma, Adv.

versus

THE STATE & ANR

..... Respondents

Through

Ms.Srilina Roy, Adv. for Ms.Nandita Rao, ASC.

W/Insp.Vipesh PS Vijay Vihar.

Mr.Sandeep Jain, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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26.05.2017

Crl.M.A. 9112/2017

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(Crl.) 1646/2017

The petitioners seek quashing of the FIR No.492/2017 dated 17.04.2017 (PS Vijay Vihar) instituted for the offences under sections 420/420B of the IPC.

There was a dispute over an amount of Rs.3,150/-. The petitioners, in place of providing a Galaxy mobile telephone to respondent no.2, gave him a statue of a god. This led to filing of the subject FIR.

It has been submitted on behalf of the petitioners that though the allegations levelled in the FIR is incorrect but in order to settle the dispute,

the petitioners have paid Rs.10,000/- to respondent no.2. The respondent no.2 has also agreed not to pursue the subject FIR.

The parties are present in Court who have been identified by their respective counsels.

Taking into account the trivial nature of the complaint and the efforts of the petitioners to settle the dispute by paying more than what was accepted by them, this Court has been persuaded to quash the subject FIR.

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.492/2017 dated 17.04.2017 (PS Vijay Vihar) instituted for the offences under sections 420/420B of the IPC and all other proceedings emanating therefrom are quashed.

The petition is disposed of in terms of the above.

ASHUTOSH KUMAR, J

MAY 26, 2017

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