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

+ CRL.M.C. 2196/2017

DEEPAK & ANR

..... Petitioners

Through: Mr.Pawan Sharma, Advocate with
petitioners in person

versus

STATE (NCT OF DELHI) & ANR

..... Respondents

Through: Mr.Kewal Singh Ahuja, APP for the
State with SI Rajendra Kumar
PS New Friends Colony
Respondent No.2 in person

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

26.07.2017

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1. This petition under Section 482 Cr.P.C. has been filed praying for quashing of the FIR No.163/2015, under Sections 341/509/323/34 IPC, PS New Friends Colony on the ground of compromise between the parties.
2. The FIR in question has been registered on the complaint of respondent No.2/complainant. As per the FIR, on 16th April, 2015 at about 10.00 p.m., when the respondent No.2/complainant while returning from her duty stopped near Lions Hospital Road for buying vegetables. At that time, Deepak, who was her neighbour started abusing her and said why her son abused him on that day. She raised alarm and her son, Rahul Pandey reached

there. Thereafter, Deepak started fight with him. When she intervened, the brother of Deepak, Vicky also reached there and both started beating her son. During the intervention she suffered injuries on her head and hand. Later, she went AIIMS Trauma Centre alongwith her husband.

3. The cross case being FIR No.162/2015 under Sections 323/341/506 IPC was also registered at PS New Friends Colony on the complaint of petitioner no.1 herein.

4. During the pendency of the trial in both the cases, parties were referred to the Mediation Centre, Saket where they have settled their disputes vide compromise deed dated 24th August, 2016, copy of which is also annexed with this petition as Annexure-C.

5. It is also agreed between the parties that as the offences in respect of FIR No.162/2015 under Sections 323/341/506 IPC PS New Friends Colony are compoundable, it shall be withdrawn from the Court of learned ACMM, Saket, Delhi and since offences in respect of FIR No.163/2015, under Sections 341/509/323/34 IPC, PS New Friends Colony are non-compoundable, a petition for quashing of FIR No.163/2015 shall be filed before the High Court.

6. Respondent No.2 has been served and she has appeared today in person.

7. Today learned counsel for the petitioner while placing on record a print out of daily status dated 16th May, 2017 showing disposal of case being Case No. CrC/0090962/2016 (State Vs. Rahul Pandey) from the Court of learned ACMM, South-East, Saket submits that the case FIR No.162/2015 under Sections 323/341/506 IPC PS New Friends Colony has been

compounded and now this case being FIR No.163/2015, under Sections 341/509/323/34 IPC, PS New Friends Colony is left.

8. It has been stated that both the parties have arrived at an amicable settlement out of their own sweet will, without any pressure and force from any corner and respondent No.2/complainant does not wish to pursue the criminal case against the petitioners any further and want that the said FIR and all proceedings emanating therefrom may be quashed.

9. 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.”

10. 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 them any more, therefore, the FIR may be quashed.
11. Respondent No.2/complainant is present in Court today and affirms

that she has amicably settled the dispute with the Petitioners in terms of the compromise deed dated 24th August, 2016. She further submits that she is not interested in prosecuting the petitioners any further and the FIR in question and all proceedings emanating therefrom may be quashed qua the petitioners.

12. 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.

13. Accordingly, in view of the settlement arrived at between the parties vide compromise deed dated 24th August, 2016, the FIR No.163/2015, under Sections 341/509/323/34 IPC, PS New Friends Colony and consequential proceedings arising therefrom are hereby quashed.

14. The petition is allowed.

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PRATIBHA RANI, J.

JULY 26, 2017

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