

\$~22

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

+ W.P.(CRL) 1658/2017

ROHIT KAPOOR @ GUDDU

..... Petitioner

Through: Mr.Rakesh Sharma, Adv.

versus

STATE NCT OF DELHI & ANR

..... Respondent

Through: Mr.Rajesh Mahajan, ASC.
Mr.Ashwani Jha, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **29.05.2017**

Crl.M.A.9215/2017

Exemption allowed, subject to all just exceptions.

Application is disposed of.

W.P.(Crl.) 1658/2017

The petitioner seeks quashing of the FIR No.1569/2015 dated 29.12.2015 (P.S. Dabri) instituted for offences under Sections 354/354-C/384 IPC.

The petitioner and the respondent no.2 were known to each other, as they were neighbours and lived in the same vicinity. It was alleged that the petitioner, taking advantage of his acquaintance with the respondent no.2, took some objectionable photographs of respondent no.2 and thereafter started blackmailing her.

It is submitted that with the intervention of parents of the petitioner and respondent no.2, they both have decided to settle the dispute forever. It is also submitted that due to some misunderstandings, the subject F.I.R was lodged.

Regard being had to the facts that the petitioner was known to respondent No.2 from before who has settled the dispute with the petitioner, and the respondent no.2 still now being a student, this Court is of the view that the subject FIR be quashed or else the careers of the petitioner and respondent no.2 would be harmed.

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.]

Considering the aforesaid facts, the FIR No.1569/2015 dated 29.12.2015 (P.S. Dabri) under Sections 354/354C/384 of the IPC and all the emanating proceedings therefrom are quashed.

The petition is disposed of in terms of the above.

ASHUTOSH KUMAR, J

MAY 29, 2017

ab