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

+ **W.P.(CRL) 1667/2017**

AMIT KUMAR BHARGAV & ORS Petitioners

Through: Mr. Gaurav Vashishth, Adv.

versus

STATE OF NCT OF DELHI & ORS Respondents

Through: Ms. Kamna Vohra, ASC for the State

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **29.05.2017**

CRL. M.A.9249/2017

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(CRL) 1667/2017

The petitioners seek quashing of the FIR No.340/2016 dated 04.102.2016 (P.S. Sonia Vihar) instituted for offences under Sections 323, 341, 325 and 34 of the IPC. Section 308 IPC was added later.

The petitioners fought with respondents over a trivial issue leading to injuries on the person of respondent No.2 in his leg and respondent No.3 on his head. The injuries sustained by the respondents are said to be simple in nature. It has been submitted on behalf of the petitioners that the issue arose out of a trifle and since the petitioners and respondents are residents of the same locality, they decided to settle the dispute. Respondent Nos.2 and 3, who are present in the court, have stated that since the petitioners have since

been living as good neighbours, they would not take to press the FIR any further.

Taking into account the aforesaid facts, specially, the petitioners and the respondents being neighbours who have decided to settle the dispute, this court is persuaded to quash the FIR and all other proceedings emanating therefrom.

The petitioners have been identified by their counsel whereas the respondent No.2 has been identified by the police officer of the concerned police station who is in attendance in this court.

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. 340/2016 dated 04.10.2016 (P.S. Sonia Vihar) and all the proceedings emanating therefrom are quashed.

ASHUTOSH KUMAR, J

MAY 29, 2017

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