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

+ **CRL.M.C. 2369/2017**

ANKUSH

..... Petitioner

Through: Mr. Ashok Kr. Verma, Adv.

versus

STATE NCT OF DELHI & ANR

..... Respondents

Through: Dr. M.P. Singh, APP for the State
ASI Virender Singh, P.S. Patel Nagar

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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31.05.2017

CRL. M.A.9615/2017

Exemption allowed subject to all just exceptions.

Application stands disposed of.

CRL.M.C. 2369/2017

The petitioner seeks quashing of the FIR No.220/2016 dated 29.02.2016 (P.S.Patel Nagar) instituted for offences under Section 354/323/341 of the IPC.

The respondent No.2 has alleged that on the day of the occurrence, while she was going out to work as a domestic help, the petitioner misbehaved and also tore her clothes. It has been submitted on behalf of the petitioner and respondent No.2 that the parties were known each other from before and there was some misunderstanding which led to lodging of the aforesaid FIR.

The respondent No.2, realising that she knew the petitioner from before and the case was lodged in a flash of temper because of some misdemeanour of the petitioner, has decided not to prosecute the petitioner any further as the petitioner has expressed his regret and has assured the respondent No.2 that such an act shall never be repeated.

Seeing the nature of accusation in the FIR and the decision of the respondent No.2 not to prosecute him any further, this court is inclined to quash the subject FIR. While saying so, this court has also taken into account the social strata of the petitioner and respondent No.2.

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. 220/2016 dated 29.02.2016 (P.S.Patel Nagar) and all other proceedings emanating therefrom are quashed.

The petition is disposed of in terms of the above.

ASHUTOSH KUMAR, J

MAY 31, 2017

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