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

+ W.P.(CRL) 1904/2017

ANIL KUMAR & ORS. .... Petitioner

Through: Mr. Ashok Drall, Advocate.

versus

THE STATE (NCT OF DELHI) & ORS. .... Respondent

Through: Mr. R.S. Kundu, ASC for State  
alongwith Mr. Bhagat Singh  
Advocate.  
SI Manoj Chahar, PS Mundka.

**CORAM:**

**HON'BLE MR. JUSTICE ASHUTOSH KUMAR**

**ORDER**

**23.10.2017**

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The petitioners have sought quashing of the FIR No. 204/15, PS Mundka which has been lodged under Section 354/308/341/506/120B/34 of IPC.

The complainant of this case/ respondent no.2 is none else but sister-in-law of petitioner no. 1 and closely related to petitioners no. 2 to 6. Respondent no. 3 is the brother of petitioner no. 1.

It has been alleged in the subject FIR that the petitioners who were armed with lethal equipments including iron pipes and axes, entered the house of the complainant and assaulted her husband and others. The petitioner no. 1 is also alleged to have made attempts outraging the modesty of the complainant/ respondent no. 2.

The family of two brothers have fought among themselves and as a

result of such family dispute, three other cases have been lodged, namely FIR no. 406/15, PS Mundka lodged by the father of petitioner no. 1; FIR No. 313/2016 which has been lodged by the petitioner no. 1 against his brother (respondent no. 3) and others and FIR no. 614/2014 which has been lodged by the son of the petitioner no. 1.

The parties are present in court and have unequivocally stated that a compromise has been effected between them and they do not wish to prosecute each other. An effort has been made by the parties to have all the cases lodged against each other quashed.

Mr. R.S. Kundu, learned Additional Standing Counsel has informed this court that FIR no. 614/14 lodged by the father of the petitioner no. 1 has already been quashed by a Bench of this court. The quashing petitions in other cases are pending adjudication before this court.

Taking into account the fact that the parties are related to each other by blood and do not intend to prosecute each other, this court is of the view that no useful purpose will be served by keeping this case alive. This court says so even while taking into account that after investigation, charge sheet in this case has already been submitted.

The petitioners have been identified by their counsel. The respondents No.2 and 3 have been identified by SI Manoj Chahar.

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. 204/15 dated 13.04.2015 (P.S. Mundka) under Sections 354/308/341/506/120-B/34 of IPC and all the emanating proceedings therefrom are quashed.

The petition is disposed of.

Dasti.

**ASHUTOSH KUMAR, J**

**OCTOBER 23, 2017  
NC**