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

+ W.P.(CRL) 1876/2017

PARDEEP KUMAR & ORS. Petitioners

Through: Mr. Ashok Drall, Advocate.

versus

THE STATE (NCT OF DELHI)& ORS. Respondents

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. 275/15, PS Mundka which has been lodged under Section 323/452/354B/506/34 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 & 3. Respondent no. 3 is the father of petitioner no. 1.

It has been alleged in the subject FIR that on the day of the occurrence, petitioner no. 1 along with other two petitioners had broken the wall and the showcase of her house and injured her by means of an axe.

Respondents no. 2 & 3 were medically examined and were found to have received simple injuries. But now a settlement has been arrived at between the parties.

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 respondent no. 3 against his brother and son (petitioner no. 1); FIR No. 313/2016 which has been lodged by husband of respondent no. 2 against the petitioner no. 1 and others and FIR no. 614/2014 which has been lodged by the son of the respondent no. 2.

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 son of respondent no. 2 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. 275/15 dated 04.08.2017 (P.S. Mundka) under Sections 323/452/354B/506/34 of IPC and all the emanating proceedings therefrom are quashed.

The petition is disposed of.

Dasti.

ASHUTOSH KUMAR, J

OCTOBER 23, 2017
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