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

+ W.P.(CRL) 1728/2017

RAJIV KUMAR ROHILLA

..... Petitioner

Through: Mr. Atul Kr. Sharma, Adv.

versus

THE STATE GOVT OF NCT OF DELHI & ANR..... Respondents

Through: Mr. R.S. Kundu, ASC for the State
HC Trilok Singh, P.S. Sunlight
Colony

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **31.05.2017**

CRL. M.A.9594/2017

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(CRL) 1728/2017

The petitioner seeks quashing of the FIR No.108/2017 dated 30.03.2017 (P.S. Sunlight Colony) instituted for offence under Section 379 of the IPC.

It has been stated on behalf of the petitioner that the subject FIR was lodged by respondent No.2 in anger. Actually, the car, which was being driven by respondent No.2, hit the vehicle of the petitioner from behind and there was a minor scuffle. The petitioner is alleged to have demanded some money for repair of the damages which were caused to the car and when the respondent No.2 did not give the money, his laptop which contained Rs.45,000/- was taken away by the petitioner.

Be that as it may, respondent No.2, who is present in court, submits that now the dispute between the petitioner and him has been settled. The laptop bag has been returned. He admits the fact that there was some verbal duel between the petitioner and him because his car unfortunately hit the vehicle of the petitioner.

Taking into account the nature of the accusation and settlement of all the disputes between the petitioner and respondent No.2, this court deems it proper not to continue with the present investigation. The nature of dispute is also very trivial.

For the reasons stated aforesaid, this Court has been persuaded to quash the subject FIR.

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. 108/2017 dated 30.03.2017 (P.S. Sunlight Colony) and all other proceedings emanating therefrom are quashed.

The petition is disposed of in terms of the above.

ASHUTOSH KUMAR, J

MAY 31, 2017/ns