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

+ W.P.(CRL) 1780/2017

KARAN DEV CHOPRA

..... Petitioner

Through Mr.Vikas Pahwa, Sr. Adv. with
Ms.Kinnoer Ghosh, Adv.

versus

STATE & ORS

..... Respondents

Through Mr. Piyush Singhal, Adv. with
Mr.Ashish Aggarwal, ASC.
SI Ram Singh PS C.R. Park.
Mr.Mandeep Singh Vinaik, Adv. with
Ms.Anjali Sharma, Mr.Deepak Bashta
& Ms.Aswathy Menon, Adv. For R2.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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31.05.2017

Crl.M.A. 9830/2017

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(Crl.)1780/2017 & Crl.M.A. 9829/2017

The petitioner seeks quashing of the FIR No.38/2017 dated 22.04.2017 (PS Chitranjan Park) instituted for the offences under sections 308/506 of the IPC on the strength of a settlement arrived at with respondent no.2, who is the informant of the case.

Respondent no.2 is the maternal grand-mother of the petitioner. Whatever may have happened, the respondent no.2 has condoned the

petitioner and has also sworn an affidavit that she would not prosecute the petitioner if he and his wife abide by the undertaking given by them before the learned ASJ, Saket. The undertaking which has been referred to in the affidavit of respondent no.2 has been made part of this petition as Annexure B.

Taking into account the nature of relationship between the parties, conscious decision of respondent no.2 not to prosecute the petitioner on the basis of an undertaking having been given by the petitioner and his wife for not troubling the respondent no.2 and her family, in any manner whatsoever in future, 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.38/2017 dated 22.04.2017 (PS Chitranjan Park) instituted for the offences under sections 308/506 of the IPC and all other proceedings emanating therefrom are quashed.

The petition is disposed of in terms of the above.

ASHUTOSH KUMAR, J

MAY 31, 2017/ab