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

+ CRL.M.C. 2315/2017

NEERAJ RAJKHEJA & ORS

..... Petitioners

Through Petitioners in person with Mr.
Utkarsh, Adv.

versus

STATE & ANR

..... Respondents

Through Mr. Hirein Sharma, Addl. PP for State
with SI Sachin, PS Amar Colony.
Complainant-respondent no.2 in
person with counsel.

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

% **30.05.2017**

By the instant petition filed under Section 482 Cr.P.C., FIR no. 585/2015 under Sections 308/341/34 IPC, PS Amar Colony, is sought to be quashed. IO identifies the parties present before the Court.

Ld. Addl. PP on instructions from the IO, states that the challan is being scrutinised and is about to be filed. On instructions, ld. Addl. PP also states that as per the charge sheet, the petitioners are the only accused persons and that, the injury sustained by the victim is simple blunt.

Instant FIR is the off-shoot of a trifle issue amongst the neighbourers. The complainant-victim present before the Court, submits that with the intervention of the people of the locality, he has

arrived at a compromise/settlement with the accused persons and resolved the disputes and differences and has filed an affidavit to that effect, which is annexed as Annexure 'B' to the instant petition. Since the parties have already arrived at a compromise/settlement, the exercise of filing the challan and trial of any offence is likely to be futile. Then, with the compromise/settlement and the quashing of the FIR, there is likelihood of more peace and harmony in the locality. In Criminal Appeal No. 686/2014 titled **Narinder Singh & Ors. vs. State of Punjab & Anr.**, decided on 27th March, 2014, Hon'ble Supreme Court set down the principles for exercise of power under Section 482 Cr.P.C., in the following words :

“31. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:

(I) Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution.

(II) When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:

- (i) ends of justice, or**
- (ii) to prevent abuse of the process of any Court.**

While exercising the power the High Court is to form an

opinion on either of the aforesaid two objectives.

(III) Such a power is not be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Similarly, for offences alleged to have been committed under special statute like the Prevention of Corruption Act or the offences committed by Public Servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender.

(IV) On the other, those criminal cases having overwhelmingly and pre-dominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.

(V) While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.

.....
.....”

Keeping in view the totality of the facts and circumstances, I am satisfied that the ends of justice would be met with, if, the subject FIR 585/2015 under Sections 308/341/34 IPC, P.S. Amar Colony be quashed alongwith consequential action(s) emanating therefrom. It is ordered accordingly. Petition stands disposed off.

A. K. CHAWLA, J

MAY 30, 2017

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