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

+ W.P.(CRL) 1966/2017

DEVI SINGH

..... Petitioners

Through: Mr.Piyush Gautam with
Ms.Swati Pandit. Advocates.

versus

STATE & ANR

..... Respondents

Through: Mr.Sanjay Lao, ASC with
Siddharth Sindhu, Adv.
SI Anuj Kumar, P.S. Anand Vihar.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **03.11.2017**

The petitioners seek quashing of the FIR No.193/2017 dated 16.4.2017 (P.S. Anand Vihar) instituted for the offences under Sections 308/134 IPC.

The subject FIR is only a counter blast to FIR No.192/2017 which has already been quashed on the strength of the settlement. The petitioners and respondent No.2 have settled the disputes and respondent No.2 is not interested in prosecuting the petitioners any further.

From the averments made in the subject FIR, no serious offence appears to have been committed by the petitioners.

The petitioners have been identified by their counsel. The respondent No.2 has been identified by SI Anuj Kumar.

Taking into account the fact that the counter case has been quashed and that the respondent No.2 is not willing to prosecute the petitioners, this Court is of the view that no useful purpose will be served in keeping the investigation of the present appeal alive.

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.193/2017 dated 16.4.2017 (P.S. Anand Vihar) instituted for the offences under Sections 308/134 IPC and all the emanating proceedings therefrom are quashed.

The petition is disposed of.

ASHUTOSH KUMAR, J

NOVEMBER 03, 2017

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