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

+ W.P.(CRL) 1962/2017

VIRENDER PRASAD SHARMA & ANR Petitioners
Through: mr.C.M.Grover, Adv.

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

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03.11.2017

The petitioners seek quashing of the FIR No.192/2017 dated 16.4.2017 (P.S. Anand Vihar) instituted for the offences under Sections 308/134 IPC.

It has been submitted that the disputes between the petitioner and respondent No.2 has been settled.

On the statement of respondent No.2, the subject FIR was lodged. It appears that the occurrence took place while the petitioner No.2 was urinating besides a parked truck owned by the respondent No.2. A scuffle took place between the parties and the petitioners are alleged to have assaulted the respondent No.2 by means of rods etc. The matter is still under investigation.

During the course of the investigation, the petitioners and the respondent No.2, on realising that no useful purpose will be served in with

pursuing the matter, decided to settle the dispute amicably. On the strength of the aforesaid settlement, the present petition has been filed seeking quashing of the subject FIR.

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

On going through the averments made in the FIR, it appears that no serious offence has been committed by the petitioners. That apart, since respondent No.2 is not willing to prosecute the petitioners any further, this Court is of the view that no useful purpose will be served in keeping the investigation of the present case pending.

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.192/2017 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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