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

+ CRL.M.C. 2555/2017

NARESH SINGH

..... Petitioner

Through: Mr.Sheikh Imran Alam, Advocate
with Petitioner in person

versus

NCT OF DELHI & ANR

..... Respondents

Through: Ms.Meenakshi Dhaiya, APP for the
State with SI Sandeep Kumar, PS
Sarita Vihar
R-2/ complainant in person

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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11.07.2017

CrI.M.A.10641/2017

1. Exemption allowed, subject to all just exceptions.
2. The application is disposed of.

CRL.M.C. 2555/2017

1. The present writ petition has been filed by the petitioner under Section 482 of the Code of Criminal Procedure praying for quashing of FIR No.480/2015, under Sections 354/354A IPC, registered at P.S. Sarita Vihar, South East Delhi District and consequential proceedings arising therefrom.
2. FIR No.480/2015, under Sections 354/354A IPC was registered at P.S. Sarita Vihar on the basis of complaint made by respondent No.2. As per the complaint, while respondent No.2 was purchasing milk from the

shop in Pocket-C of Jasola Janta Flat, Delhi, the petitioner came from the back and pressed her hip. She immediately turned back and caught the petitioner. She dragged him to the nearby police station and finding no one at the police station she called the PCR and the said FIR was registered.

3. During the pendency of FIR in question the matter was referred to the Mediation Centre, Saket Courts. The matter has been amicably settled between the parties vide order dated 1st September, 2016.

4. The parties have arrived at an amicable settlement without any undue force, pressure, coercion or threat from any corner and have decided not to pursue the criminal case against the petitioner any further and want that the said FIR and all proceedings emanating therefrom may be quashed.

5. Though the petitioner has been charged with the offences, some of them are non-compoundable, but in the decision in the case of ***Gian Singh v State of Punjab & Anr. 2012 (9) SCALE 257***, the three Judges Bench of the Supreme Court dealing with the issue of quashing of FIR has laid down the following guidelines:-

“57. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences Under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like

murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and pre-dominatingly civil favour stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

6. Learned counsel for the petitioner submits that since the matter in dispute has been amicably settled between the parties, no purpose would be served in prosecuting the petitioner any more, therefore, the FIR may be quashed.

7. Respondent No.2/complainant is present in Court today and affirms that she has amicably settled the dispute with the Petitioner in the Mediation Centre. She further submits that she is not interested in prosecuting the petitioner any further and the FIR in question and all proceedings emanating therefrom may be quashed qua the petitioner.

8. In view of the aforesaid amicable settlement arrived at between the parties, I am of the considered view that no useful purpose would be served by continuing the criminal proceedings against the petitioner, which will only be an exercise in futile and wastage of precious time of the Court.

9. Accordingly, in view of the settlement arrived at between the parties before the Mediation Centre, the FIR No.480/2015, under Sections 354/354A IPC, registered at P.S. Sarita Vihar and consequential proceedings arising therefrom are hereby quashed.

10. The petition is allowed.

Dasti.

PRATIBHA RANI, J.

JULY 11, 2017

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