

\$~17

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

+ CRL.M.C. 4578/2016

RAVINDER DANGI & ORS. Petitioners
Through Mr. Ranvir Vats, Advocate

versus

THE STATE (NCT OF DELHI) & ANR. Respondents
Through Mr. Ashok Kumar Garg, Addl. PP for
State with ASI Devender Kumar,
P.S.Uttam Nagar
Respondent Nos. 2 & 3 in person

CORAM:

HON'BLE MR. JUSTICE A.K.CHAWLA

ORDER

% **17.05.2017**

By the petition filed under Section 482 Cr.P.C., the petitioners seek quashing of FIR No. 356/2013 under Sections 452/506 PS Uttam Nagar.

As per the allegations, the petitioners forcibly entered the house of the complainant - respondent No.2 and there, gave him beatings with lathis and Rods and when his mother-respondent No.3 intervened, she was also given beatings.

The incident is stated to have occurred on account of trifle incident of consumption of liquor. Both the parties are living in the neighbourhood and they have arrived at a compromise/settlement during the mediation on 16.5.2016. Copy thereof, is annexed with the petition as annexure P-2. Both the respondent Nos. 2 & 3 state that

they have arrived at a compromise with the petitioners. On the challan filed, though the charges have come to be framed, but, the prosecution evidence is yet to be led. With the compromise arrived at amongst the parties, it is apparent that any trial for the offence would be futile. IO ASI Dvender Kumar present in the Court, identifies the parties. Parties, as said earlier, are the neighbourers and in the event the FIR is quashed, it shall bring harmony and peace not only amongst the parties, but, in the locality as well. 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 ratio of the judgment (supra) and totality of the facts and circumstances, I am satisfied that ends of justice would be met, if, the subject FIR No. 356/2013, PS Uttam Nagar is quashed alongwith the consequential proceedings emanating therefrom. It is Ordered accordingly. Petition stands disposed off.

A.K.CHAWLA, J

MAY 17, 2017

mw