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

+ CRL.M.C. 3374/2017

RAIS AHMED & ORS Petitioners
Through Mr. I.A. Aalvi, Adv. along with
petitioners in person

versus

STATE (GOVT OF NCT OF DELHI) Respondent
Through Mr. G.M. Farooqui, APP
Si Deepak, P.S. Ranjit Nagar
Mr. S. Sachar, Adv. for R-2 along
with R-2 in person

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **25.08.2017**

This case has come on transfer from the Court of Hon'ble Mr. Justice A.K. Pathak as he is on leave today.

CRL. M.A.13770/2017 (Exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

Crl.M.A.13769/2017 (delay)

For the reasons stated in the application, the delay of 48 days in re-filing the petition is condoned.

The application is disposed of.

CRL.M.C. 3374/2017

The petitioner seeks quashing of the FIR No.97/2017 dated

04.03.2017 (P.S. Ranjit Nagar) instituted for offences under Sections 323, 451, 506 and 34 of the IPC.

The petitioners No.1 and 3 are the brothers whereas petitioner No.2 is the nephew of petitioners No.1 and 3. On 03.03.2017, because of some misunderstanding between the neighbours, a fight took place leading to the registration of the subject FIR. In fact, a cross case was lodged by the wife of petitioner No.1 which led to the registration of the FIR No.98/2017, for offences under sections 354A, 323, 341, 506 and 34 of the IPC against the family members of respondent No.2 of the present case.

Taking into account the fact that the petitioners and respondent No.2 are neighbours and no useful purpose will be served in continuing with the investigation in both the FIRs, the parties took a conscious decision of settling their disputes, burying the hatchet and living together in peace and harmony as good neighbours. A settlement agreement which was executed has been brought on record. This court has been informed that cross case lodged by the wife of petitioner No.1 namely FIR No.98/2017 has been quashed by a coordinate bench of this court today.

The petitioners and respondent No.2 have been identified by their respective counsels.

Taking into account the aforesaid facts, namely, the settlement of disputes between the parties and sheer futility of continuing with the investigation of the present case, this court is inclined to quash the subject FIR.

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. 97/2017 dated 04.03.2017 (P.S. Ranjit Nagar) instituted for offences under Sections 323, 451, 506 and 34 of the IPC and all the emanating proceedings therefrom are quashed.

The petition is disposed of.

ASHUTOSH KUMAR, J

AUGUST 25, 2017

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