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

+ CRL.M.C. 3381/2017

RIZWAN & ORS

..... Petitioners

Through: Mr.S.Sachar, Advocate with
petitioners in person

versus

STATE (GOVT OF NCT OF DELHI) & ANR.

..... Respondents

Through: Mr.Sanjeev Sabharwal, APP for the
State
Mr.I.A.Alvi, Advocate for R-2 with
R-2 in person

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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25.08.2017

Crl.M.A. No.13790/2017

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

Application stands disposed of.

CRL.M.A.13791/2017

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

CRL.M.C. 3381/2017

1. By way of this petition filed under Section 482 Cr.P.C., petitioners are seeking quashing of case FIR No.0098/2017 registered with PS New Ranjit Nagar under Sections 354A/323/341/506/34 IPC and the proceedings emanating therefrom on the basis of settlement.

2. It is mentioned in the petition that on 3rd March, 2017 due to misunderstanding the quarrel took place between the family of the petitioners and respondent No.2. Subsequently, the FIR in question has been registered on the complaint of respondent No.2/complainant.
3. The cross case being FIR No.97/2017 under Sections 323/451/506/34 IPC was also registered at PS New Ranjit Nagar on the complaint of Ms.Nisha, who is sister of petitioners herein.
4. During the pendency of the trial, in both the cases, with the intervention of elders, respectable and family friends, both the parties entered into a compromise and settled all their disputes with each other as mentioned in the Memorandum of Understanding dated 12th April, 2017 (Annexure-C).
5. The parties agreed that they shall file petitions for quashing of abovementioned two FIRs before the High Court.
6. Learned counsel for the petitioners informed that another petition with a prayer for quashing of FIR No.97/2017, under Sections 323/451/506/34 IPC, PS New Ranjit Nagar is listed before another Bench, however, the Hon'ble Judge is on leave today, hence, that matter has been adjourned. Since the parties are present in this case, the criminal proceedings in FIR No.98/2017 under Section 354A/323/341/506/34 IPC, PS New Ranjit Nagar may be quashed in view of the settlement recorded in MOU dated 12th April, 2017.
7. It has also been submitted that as and when the petition seeking quashing of FIR No.97/2017 comes before another Bench, the parties undertake to appear before that Bench to pray for quashing of that FIR too.

8. Respondent No.2/complainant is present in Court today and affirms that she has amicably settled the dispute with the Petitioners in terms of the Memo of understanding dated 15th July, 2017. She further submits that she is not interested in prosecuting the petitioners any further and the FIR in question and all proceedings emanating therefrom may be quashed qua the petitioners.

9. Though the petitioners have 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.”

10. Learned counsel for the petitioners submit that since the matter in dispute has been amicably settled between the parties, no purpose would be served in prosecuting them anymore, therefore, the FIR No.98/2017 may be quashed.

11. 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 petitioners, which will only be an exercise in futile and wastage of precious time of the Court.

12. Accordingly, in view of the settlement arrived at between the parties vide Memo of understanding dated 15th July, 2017, the FIR No.0098/2017

registered with PS New Ranjit Nagar under Sections 354A/323/341/506/34 IPC and consequential proceedings arising therefrom are hereby quashed.

13. The petition is allowed.

Dasti.

PRATIBHA RANI, J.

AUGUST 25, 2017/‘pg’