

\$~14

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

+ W.P.(CRL) 2005/2017

HARPREET SINGH

.....Petitioner

Through: Mr.Neeraj Anand, Advocate with
petitioner in person

versus

STATE (NCT OF DELHI) & ANR

.....Respondents

Through: Ms.Kamna Vohra, A.S.C. for the
State with W/SI Shilpy PS Krishna
Nagar
Mr.Pawan Kumar Agarwal, Advocate
for R-2 with R-2 in person

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

%

18.07.2017

CRL.M.A.11170/2017

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

W.P.(CRL) 2005/2017

1. The present writ petition has been filed by the petitioner under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure for quashing of FIR No.127/2016 registered under Sections 354A/506/509 IPC at P.S. Krishna Nagar, Delhi and consequential proceedings arising therefrom.

2. Case FIR No.127/2016 was registered on the basis of the statement made by the complainant/respondent No.2. The contents of the FIR are as under:-

“Sub: Complaint against Harpreet Singh for abusing,

physically assaulting, misbehaving and threatening me.

Harpreet Singh, who is brother-in-law of complainant's real brother, came on his bullet motorcycle at Lal Quarter, Krishna Nagar Market in the evening of 17th November, 2015, where the complainant was shopping, and put his hand on her shoulder by saying where are you going. She told him not to talk her any further. ITNA BOLTE HI HARPREET SINGH BAHUT ZYADA GUSSA HO GAYA AUR MERI CHHATI PAR HAATH MAARTE HUA GANDI-GANDI MAA BAHEN KI GALIYAAN DENI SHURU KAR DI VA BOLA KI TU RANDI HAI AUR MUJHE PATA HAI KI TERE KITNE YAAR HAI AUR MUJHSE TU FRIENDSHIP KARNE SE MANA KARTI HAI. Thereafter, she ran away from there on her scooty along with her maternal aunt and stooped near Gopal Jewellers. The moment she is trying to call her family members, Harpreet Singh came on his bullet motorcycle and hit her scooty which fall on her foot and hurt it. Again, he abused the complainant. She raised alarm and mob gathered. Thereafter, the petitioner ran away from there. Subsequently, upon calling at 100 number police came and both the parties were called at Krishna Nagar Police Station where they compromised. After some time in the month of February, 2016, when complainant was on her way to join aerobics classes, Harpreet Singh again misbehaved and abused her."

3. During the pendency of the proceedings, the parties have settled their dispute amicably. The petitioner is now praying for quashing of the FIR in question on the basis of settlement arrived at between the parties.
4. Though the petitioner has been charged with the offences, some of which 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

W.P.(CRL) 2005/2017 Page 2 of 5

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-dominantly 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.”

5. Today the complainant/respondent No.2 is present in person and submits that since both the parties have settled their dispute amicably, in view thereof, she does not want to continue with the criminal prosecution against the petitioner.

6. Learned counsel for the petitioner prays that since both the parties have settled their dispute amicably, the FIR in question may be quashed.

7. Respondent No.2/complainant further submits that she has no objection if the FIR in question against the petitioner and all proceedings emanating therefrom are quashed.

8. In view of the submissions made by the parties and that the parties have settled their dispute amicably, 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. However, in the facts and circumstances of the case, it is desirable that the Petitioner must be burdened with cost. Accordingly, the Petitioner is directed to deposit the cost of ₹25,000/- with Pragati Institute for Severally and Profoundly Mentally Retarded (ISPMR), Female Wing, Asha Kiran Complex, Sector-1, Rohini, Delhi-110085 within four weeks from the date of this order. The payment of cost should be made by cheque in favour of “H.O./D.O. for School & Home Mentally Retarded Children” in Account No.394501010013010. The said amount of ₹25,000/- shall be utilized to

meet day to day urgent needs of the inmates.

10. A receipt of deposit of the cost be placed on record within one week thereafter.

11. Accordingly, FIR No.127/2016 registered under Sections 354A/506/509 IPC at P.S. Krishna Nagar, Delhi and consequential proceedings arising therefrom are hereby quashed subject to deposit of cost by the Petitioner.

12. A copy of this order be sent to the Superintendent, Pragati Institute for Severally and Profoundly Mentally Retarded (ISPMR), Female Wing, Asha Kiran Complex, Sector-1, Rohini, Delhi-110085 for information and compliance.

Order *dasti*.

PRATIBHA RANI, J.

JULY 18, 2017
'pg'