

\$~46

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

+ W.P.(CRL) 2068/2017

PRATEEK SHOKEEN & ORS

..... Petitioners

Through: Mr. Amit Saini, Advocate.

versus

THE STATE GOVT OF NCT OF DELHI & ANR Respondents

Through: Mr. Jamal Akhtar, advocate for Mr.
Rahul Mehra, Standing counsel for
State.

SI Bhupender Singh.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

23.10.2017

%

The petitioner seeks quashing of FIR no. 378/2014 dated 25.05.2014 (P.S. Miyanwali Nagar) instituted for the offences under Sections 354A/323/341 of IPC.

It has been submitted that petitioners no. 1 & 2 are related to each other by blood whereas the petitioner no. 3 is the friend of petitioners no. 1 and 2. It has been alleged by respondent no. 2 that on 25.05.2014, the petitioners used vulgar language and also assaulted her husband and brother-in-law.

Learned counsel appearing for the petitioners informed this court that the dispute arose because of the apprehension in the mind of the respondent no. 2 that her car is being stolen away by the petitioners. This court has also been informed that the petitioners and respondent no. 2 are residents of same locality and taking into account the fact that there was some

misunderstanding which led to the occurrence, the parties have decided not to prosecute each other.

The counter case i.e. FIR no. 379/2014, which has been lodged in the same police station, has already been compounded.

The petitioners are present in the court and have been identified by their counsel. The respondent no. 2 also has been identified by her counsel.

Mr. Jamal Akhtar, learned counsel appearing for the State has informed this court that charge-sheet has already been submitted in this case.

Be that as it may, considering the nature of accusation and the circumstances in which such a skirmish took place, this court is inclined to quash the subject FIR on the basis of settlement having been arrived at between the parties and the cross case having been compounded before the competent authority.

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. 378/2014 dated 25.05.2014 (P.S. Miyanwali Nagar) instituted for the offences under Sections 354A/323/341 of IPC and all the emanating proceedings therefrom are quashed.

The petition is disposed of.
Dasti.

ASHUTOSH KUMAR, J

OCTOBER 23, 2017
NC