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

+ W.P.(CRL) 2014/2017

RAMPRATAP GOYAL & ORS

..... Petitioners

Through: Mr.Rishi Pal Singh, Adv.

versus

THE STATE & ANR

..... Respondents

Through: Mr.Sanjay Lao, ASC.

Mr.Ankit Khatri, Adv. for R-2.

SI Sandeep, P.S.South Rohini.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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18.07.2017

CrI.M.A.11203/2017

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(CRL) 2014/2017 & CrI.M.A.11202/2017

The petitioners seek quashing of FIR No.828/2014 dated 13.10.2014 (P.S. South Rohini) instituted for the offences under Sections 356/186/353/379 and 34 of the IPC.

On 13.10.2014 there was a programme fixed for cleaning the area under the "Safai Abhiyan Program" in Rohini. At the function, local councillor by the name Ms.Sanjana Singh was invited. The local MLA also arrived and the supporters of the aforesaid two public functionaries created a ruckus and indulged in certain acts which led to the registration of the subject FIR at the instance of respondent No.2, who is an Inspector with the

MCD. From the contents of the FIR itself, none of the offences alleged can at all be said to have been made out. Be that as it may, after investigation, chargesheet was submitted under the aforesaid sections.

The petitioners had in the meantime proceeded for settling the dispute with the respondent No.2 and now the dispute stands settled. The respondent No.2 and the State are now not desirous of prosecuting the petitioners any further, keeping in mind the settlement and the trivial nature of accusation levelled against the petitioners.

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.]

Considering the aforesaid facts, the FIR No.828/2014 dated 13.10.2014 (P.S.South Rohini) instituted for the offences under Sections 356/186/353/379 and 34 of the IPC and all other attendant proceedings are quashed.

The petition is disposed of in terms of the above.

ASHUTOSH KUMAR, J

JULY 18, 2017

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