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

+ CRL.M.C. 2941/2017

LAL BABU @ BITTU & ANR

..... Petitioners

Through Adv. (appearance not given)

versus

STATE NCT OF DELHI & ORS

..... Respondents

Through

Mr.Arun Kumar Sharma, APP.

Insp. Rajeev Yadav PS Inder Puri.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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31.07.2017

Crl.M.A. 12216/2017 (Exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

Crl.M.C. 2941/2017

The petitioners seek quashing of the FIR No.48/12 dated 01.05.2012 (PS Inderpuri) instituted for the offences under sections 354/325/34 of the IPC.

The petitioners and respondent no.2 are tenants in one house. From the FIR itself, it appears that there was some dispute between the tenants interse with respect to use of water. Some occurrence had taken place on 23.02.2013 at 06:00 a.m. in which respondent no.2 has alleged that she was inappropriately behaved with and the other persons of the family were assaulted.

However, taking into account the fact that the petitioners and respondent no.2 along with her family members are all tenants in the same house, the parties decided to settle their disputes.

Respondent no.2 who is present in the Court submits that she is not interested and desirous of prosecuting the petitioners any further.

Regard being had to the nature of accusation in the FIR and settlement of disputes between the parties, this Court is of the view that no useful purpose would be served in continuing with the investigation of 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 aforesaid facts, the FIR No.48/12 dated 01.05.2012 (PS Inderpuri) instituted for the offences under sections 354/325/34 of the IPC and all other proceedings emanating therefrom are quashed.

The petition is disposed of in terms of the above.

ASHUTOSH KUMAR, J

JULY 31, 2017

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