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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 2843/2017**

VINAY KUMAR

..... Petitioner

Through

Mr.Anwesh Madhukar, Adv. with
Mr.Pranesh Mishra, Adv. (DHCLSC)

versus

STATE & ANR

..... Respondents

Through

Mr.Arun Kumar Sharma, APP.
SI Richa Sharma PS Punjabi Bagh.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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25.07.2017

Crl.M.A.11774/2017 (Exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

Crl.M.C.2843/2017 & Crl.M.A. 11773/2017 (stay)

The petitioner seeks quashing of the FIR No.233/2016 dated 12.03.2016 (PS Punjabi Bagh) instituted for the offences under sections 354/354A/354D/506/509 of the IPC.

The petitioner, who at the relevant time was a co-worker of respondent no.2, had committed certain acts which led to the filing of the subject FIR. Learned counsel for the petitioner submits that there was some misunderstanding in the mind of the respondent no.2 and therefore such a case was filed. No doubt respondent no.2 has affirmed the allegations levelled by her against the petitioner in her statement under section 164 Cr.P.C. but realising that it could be a misunderstanding on her part about

the intentions of the petitioner, she agreed to settle the dispute with him.

The petitioner has been identified by his counsel whereas respondent no.2 has been identified by the IO of the case who is in attendance.

The respondent no.2 has communicated to this Court that now she and the petitioner are working in different organizations and do not get any opportunity to meet each other.

Be that as it may, taking into account the fact that the respondent no.2 does not wish to prosecute the petitioner any further as also the frivolous nature of the allegations made in the FIR, this Court is inclined to quash the same.

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.233/2016 dated 12.03.2016 (PS Punjabi Bagh) instituted for the offences under sections 354/354A/354D/506/509 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 25, 2017/ab