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

+ W.P.(CRL) 2091/2017

RAMSUGARTHU & ORS

..... Petitioners

Through Mr.Kumar Nikhil, Adv. with  
Mr.Ravish Roshan, Adv.

versus

GOVT OF NCT OF DELHI & ORS

..... Respondents

Through Mr.Sanjay Lao, ASC.  
SI Vikram Singh PS Karawal Nagar.

**CORAM:**

**HON'BLE MR. JUSTICE ASHUTOSH KUMAR**

**ORDER**

% **24.07.2017**

The petitioners seek quashing of the FIR No.77/2011 dated 20.03.2011 (PS Karawal Nagar) instituted for the offence under sections 324/34 of the IPC.

The petitioners as well as respondents are neighbours and a fight between them took place on a very petty issue. Realising the futility of this kind of litigation/investigation, the respondents have taken a conscious decision of not prosecuting the petitioners any further.

The three petitioners stand chargesheeted. However, allegations in the FIR have been levelled against another person whose name was not cited.

Mr.Sanjay Lao, ASC submits that chargesheet clearly indicates that no sooner the identity of the fourth person would be known to the police, chargesheet would be submitted against him also.

However, taking into account the frivolous nature of dispute and the fact that the respondents do not wish to prosecute anybody including the person whose identity has not yet been established, this Court feels inclined to quash 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.77/2011 dated 20.03.2011 (PS Karawal Nagar) instituted for the offence under sections 324/34 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 24, 2017**  
**ab**