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

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Date of Decision : 19.09.2017

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W.P.(CRL) 2114/2017

SANJAY @ SANJAY SHARMA & ANR.

..... Petitioners

Through: Mr. R.S. Juneja, Advocate with
Ms.Amandeep Kaur, Adv. along with petitioners
in person.

versus

THE STATE & ANR.

..... Respondents

Through: Ms. Richa Kapoor, ASC for State with
Mr. Ashish Negi, Advocate with ASI Chatar Pal
Singh, PS Jafrabad, Delhi.
Respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

VINOD GOEL, J. (Oral)

1. Respondent No.2 appears in person. She is duly identified by IO ASI Chatar Pal Singh.
2. The petitioners have invoked the writ jurisdiction of this court under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (in short 'Cr.PC') for quashing of the FIR bearing No.206/2017, registered on 01.06.2017 against them with Police Station Jafrabad, District North East, Delhi, under Sections 308/34 IPC on the complaint of respondent No.2.
3. It is submitted that the petitioner No.1 had advanced a sum of Rs.2,000/- to the respondent No.2 and there were arrears of Rs.300/-.
With the demand to pay the balance amount by the respondent No.2, a

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scuffle took place with the petitioner.

4. Status report has been filed. Learned ASC submits that charge sheet has so far not been filed.
5. The petitioners and respondent No.2 had resolved and settled all their disputes. The compromise deed dated 17.07.2017 was reduced to writing. As per their settlement, the petitioners had paid a sum of Rs.12,000/- to the respondent No.2. The petitioners and respondent No.2 are residents of the same colony i.e. Kachchi Colony, Maujpur, Delhi.
6. The respondent No.2 states that he had voluntarily settled and resolved all disputes with the petitioners without any force and coercion. He submits that he had received the settlement amount from the petitioners. He submits that he does not want to pursue the said FIR. He submits that the said FIR may be quashed. Both the petitioners tender their respective apologies and undertake that they shall not repeat such conduct and behaviour in future.
7. Learned ASC submits that the respondent No.2 was taken to Guru Teg Bahadur Hospital, Shahdara, Delhi where the Medical Officer after examining the respondent No.2 found the injuries to be "simple" in nature.
8. The Hon'ble Supreme Court in **Yogendra Yadav v. State of Jharkhand, (2014) 9 SCC 653**, while delineating the factors to be considered before quashing an FIR held as under:-

“4. Now, the question before this Court is whether this Court can compound the offences under Sections 326 and 307 IPC which are non-compoundable? Needless to say that offences which are non-compoundable cannot be

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compounded by the court. Courts draw the power of compounding offences from Section 320 of the Code. The said provision has to be strictly followed (*Gian Singh v. State of Punjab*[*Gian Singh v. State of Punjab*, (2012) 10 SCC 303 : (2012) 4 SCC (Civ) 1188 : (2013) 1 SCC (Cri) 160 : (2012) 2 SCC (L&S) 988]). However, in a given case, the High Court can quash a criminal proceeding in exercise of its power under Section 482 of the Code having regard to the fact that the parties have amicably settled their disputes and the victim has no objection, even though the offences are non-compoundable. In which cases the High Court can exercise its discretion to quash the proceedings will depend on facts and circumstances of each case. Offences which involve moral turpitude, grave offences like rape, murder, etc. cannot be effaced by quashing the proceedings because that will have harmful effect on the society. Such offences cannot be said to be restricted to two individuals or two groups. If such offences are quashed, it may send wrong signal to the society. **However, when the High Court is convinced that the offences are entirely personal in nature and, therefore, do not affect public peace or tranquillity and where it feels that quashing of such proceedings on account of compromise would bring about peace and would secure ends of justice, it should not hesitate to quash them. In such cases, the prosecution becomes a lame prosecution. Pursuing such a lame prosecution would be waste of time and energy. That will also unsettle the compromise and obstruct restoration of peace."**

9. The altercation between the parties took place due to a misunderstanding which has now been amicably resolved. The nature of injuries on the person of the complainant was also found to be simple. Moreover, the petitioners did not realize the consequences of their actions which could follow. Admittedly parties are resident of

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same colony and continuing with the said FIR would be an exercise in futility which will prejudice their future careers and unsettle the compromise and obstruct restoration of peace.

10. In the facts and circumstances of the case and to secure the ends of justice and to have peace and harmony in the society, the FIR bearing No.206/2017, registered on 01.06.2017 with Police Station Jafrabad, PS North East, Delhi, under Sections 308/34 IPC and proceedings arising out of the said FIR are hereby quashed.
11. The petition is disposed of accordingly.
12. *DASTI.*



(VINOD GOEL)
JUDGE

SEPTEMBER 19, 2017
"sandeep"