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

+ W.P.(CRL) 2144/2017

KIRPALI DEVI & ORS Petitioners

Through: Mr. Anuj Tomar, Adv.

versus

GOVT OF NCT OF DELHI & ANR Respondents

Through: Mr. Jamal Akhtar, Adv. for Mr. Rahul Mehra, Standing Counsel
SI Rajpal, P.S. Uttam Nagar

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **28.07.2017**

The petitioners seek quashing of the FIR No.688/2013 dated 25.11.2013 (P.S. Uttam Nagar) instituted for offences under Sections 420, 467, 468, 471, 120B, 506 and 34 of the IPC.

The son of respondent No.2, namely, Sanjay Kumar was married to petitioner No.3, namely, Smt. Kavita. Aforesaid Sanjay Kumar, unfortunately, died in an accident on 14.09.2002. After the death of the husband of petitioner No.3, disputes arose in the family with respect to property and other issues.

The mother of petitioner No.3 had filed a civil suit against respondent No.2. Then, a spate of litigation in the civil side followed thereafter; some at the instance of petitioner No.3 whereas some, as a counter blast, by respondent No.2 and others. In the wake of such disputes and civil proceedings pending against petitioners and respondent No.2, respondent

No.2 preferred a complaint leading to the registration of the subject FIR.

This court has been informed that all the disputes between the parties have been settled. Civil cases lodged at the instance of the petitioners and respondent No.2 have all ended in settlement. The respondent No.2 does not wish to prosecute the petitioners any further. That apart, the allegations are more in the nature of dispute regarding property after the death of the husband of petitioner No.3.

The petitioners are present in court.

This court has interacted with petitioner No.3 who has unequivocally stated that she has, of her own volition, decided to settle all her disputes. She at present is residing with petitioners No.1 and 2, who are her parents. Certain issues are still left to be decided but there is a conscious decision on the part of both the sides to put an end to the litigation between them.

The parties have been identified by the respective counsel.

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. 688/2013 dated 25.11.2013 (P.S. Uttam Nagar) instituted for offences under Sections 420, 467, 468, 471, 120B, 506 and 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 28, 2017

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