

\$~49

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

+ CRL.M.C. 2905/2017

DEEPAK

..... Petitioner

Through: Dr. Anurag Kumar Agarwal, Adv.

versus

STATE GOVT OF NCT OF DELHI & ANR Respondents

Through: Mr. Arun Kr. Sharma, APP
SI Pawan Kumar, P.S. Vijay Vihar
Mr. Virag Kumar Agarwal, Adv. for
R-2

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

%

28.07.2017

Crl.M.A.12047/2017 (Exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

CRL.M.C. 2905/2017

The petitioner seeks quashing of the FIR No.790/2015 dated 20.06.2017 (P.S. Vijay Vihar) instituted for offences under Sections 354B, 506 and 509 of the IPC. The petitioner at the relevant time was said to have been working along with respondent No.2 and over a period of time, they had developed friendship. Taking advantage of that relationship, the petitioner had allegedly obtained Rs.80,000/- as loan from respondent No.2. When the money was not being returned, the respondent no.2 persisted for the return of the money. On one occasion, the petitioner is said to have promised to pay Rs.15,000/- and also left his vehicle as security. Later, the

petitioner is said to have misbehaved with respondent No.2. The respondent No.2, however, has decided not to prosecute the petitioner any further as they have settled the differences. The money which was taken by the petitioner has been returned to respondent No.2.

This Court has been informed that earlier an application was filed before the Court below for compounding but the same was not permitted.

Taking into account the aforesaid facts, especially, the statement of respondent No.2 that she has received her money back and is not willing to prosecute the petitioner any further, this Court feels it appropriate that this FIR be quashed.

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. FIR No.790/2015 dated 20.06.2017 (P.S. Vijay Vihar) instituted for offences under Sections 354B, 506 and 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 28, 2017/ns