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

+ **W.P.(CRL) 2440/2017**

GUNINDER KAUR GILL & ANR. Petitioners
Through **Mr. A.K. Panigrahi, Adv.**

versus

STATE & ANR. Respondents
Through **Ms. Kamna Vohra, ASC**

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **30.08.2017**

Crl.M.A.13927/2017

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(CRL) 2440/2017

The petitioners seek quashing of the FIR No.583/2016 dated 06.09.2016 (P.S. Saket) instituted for offences under Sections 186, 353, 506 and 34 of the IPC.

The petitioner No.1, who is a complainant of FIR No.397/2014, which was a case of eve-teasing and stalking and for which, there is a cross case as well, is alleged to have entered in the chamber of the respondent No.2 and ill treated him. It has been alleged that the complainant/respondent No.2 was only performing his duties as Assistant Public Prosecutor but he was shouted at and fought with.

This court finds that the petitioner No.1 has also filed a case against

the respondent No.2 and which FIR (FIR No.584/2016) on settlement has been quashed.

The settlement agreement dated 01.07.2017 has been brought on record.

From the perusal of the aforesaid Memorandum of Understanding, it appears that the parties have taken a conscious decision of not prosecuting each other. That apart, the nature of accusation clearly indicates it to be only a fall out of heated discussion between a litigant and a lawyer.

Taking into account the aforesaid facts, this court is 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 reasons afore-recorded, the FIR No. 583/2016 dated 06.09.2016 (P.S. Saket) instituted for offences under Sections 186, 353, 506 and 34 of the IPC and all the emanating proceedings therefrom are quashed.

The petition is disposed of.

Dasti.

ASHUTOSH KUMAR, J

AUGUST 30, 2017/ns