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

+ W.P.(CRL) 2172/2017

PANKAJ GOEL & ORS

..... Petitioners

Through Ms.Nachiketa Choudhary, Adv.

versus

STATE (NCT OF DELHI) & ORS

..... Respondents

Through Ms.Richa Kapoor, ASC with

Mr.Ashish Negi, Adv.

ASI Dharambir Singh PS Sangam
Vihar.

Mr.Amar Nath, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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31.07.2017

Crl.M.A. 12241/2017 (Exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(Crl.) 2172/2017

The petitioners seek quashing of the FIR No.739/2015 dated 21.11.2015 (PS Sangam Vihar) instituted for the offence under section 4 of the Dowry Prohibition Act, 1961.

The marriage of respondent no.2 was fixed with petitioner no.1. However, after preliminary rituals of seeing respondent no.2, the marriage was deferred. The marriage ultimately could not be performed because of the demand of Rs.5 lakhs by petitioner no.2, who is the father of petitioner

no.1.

Learned counsel for the petitioners has submitted that there was no such demand on behalf of petitioner no.2. In fact, the marriage did not take place because of some other factors. The petitioner no.1 was not desirous of marrying respondent no.2. Hence, it was difficult for his family members who are petitioners here to compel him to marry respondent no.2. Though FIR has been lodged, alleging that the marriage could not be performed because of demand of Rs.5 lakhs but on sensing the reason and knowing that the marriage was postponed/deferred because of some other reasons, respondent no.2 has agreed to settle the disputes.

The petitioners are present in Court and have been identified by their counsel. Respondent no.2 is not present. However, her father is present who has communicated to the Court that his daughter is not desirous of prosecuting the petitioners any further. The affidavit of respondent no.2 is also on record.

Taking into account the aforesaid facts, 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.739/2015 dated 21.11.2015 (PS

Sangam Vihar) instituted for the offence under section 4 of the Dowry Prohibition Act, 1961 and all other proceedings emanating therefrom are quashed.

The petition is disposed of in terms of the above.

ASHUTOSH KUMAR, J

JULY 31, 2017
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