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

+ W.P.(CRL) 2207/2017

AJIT @ BHARAT & ORS

..... Petitioners

Through: Mr. Sunil Choudhary, Adv.

versus

STATE & ANR

..... Respondents

Through: Dr.M.P. Singh, APP for Mr. Sanjay
Lao, ASC
SI Dharmendra Pratap Singh, P.S.
Samaipur Badli

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

O R D E R

% **04.08.2017**

CRL. M.A. 12476/2017 (Exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(CRL) 2207/2017

The petitioners, who are related to each other and are neighbours of respondent No.2 have sought quashing of the FIR No.1155/2014 dated 10.10.2014 (P.S. Samai Pur Badli) instituted for offences under Sections 308 and 34 of the IPC.

It has been submitted on behalf of the petitioners that prior to the lodging of the subject FIR, at the instance of the mother of petitioner No.2, FIR No.125/2013 was instituted against respondent No.2 under Sections 323, 308, 452 and 341 of the IPC in the same police station on 13.03.2013. In the aforesaid case, the respondent No.2 was put on trial and was

convicted. However, at the time of award of sentence, the mother of petitioner No.2 and the petitioners, some of whom were injured in the occurrence, communicated to the court that there has been a settlement between the parties and that they were not interested in getting respondent No.2 convicted and sentenced.

Taking into account the aforesaid facts and the assurance of respondent No.2 that the two other FIRs; one being subject FIR and other being FIR No.125/2013 which have been lodged against the petitioners would be withdrawn, the respondent No.2 was released on probation of good conduct. The other FIR, which was lodged by respondent no.2 against the petitioners viz FIR No.1327/2014 was for such offences which were compoundable in nature and hence the offences were compounded by the order of the competent Court.

Thereafter, only the subject FIR remained pending investigation.

In view of the settlement between the parties and a conscious decision of the petitioners and respondent No.2 to live as good neighbours henceforth, this court is of the view that no useful purpose would be served in keeping the investigation of the present case pending, and 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. 1155/2014 dated 10.10.2014 (P.S. Samai Pur Badli) instituted for offences under Sections 308 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

AUGUST 04, 2017

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