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

+ W.P.(CRL) 2189/2017

SHIVA SINGH & ANR

..... Petitioners

Through: Mr. M.A. Rahman with Ms. Anju,  
Advocate.

Versus

STATE OF DELHI & ORS

..... Respondents

Through: Mr. Sanjay Lao, ASC for State.  
SI Jai Chand, PS Mukherjee Nagar.

**CORAM:**

**HON'BLE MR. JUSTICE ASHUTOSH KUMAR**

**ORDER**

**16.11.2017**

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The petitioners seek quashing of the FIR No. 506/2016, PS Mukherjee Nagar instituted for the offence under Section 341/308/34 of IPC.

The averments made in the subject FIR indicate that the respondent no. 4 and his associate, Rohit were discussing about a cricket match when the petitioners, who were residing in the neighbouring house indulged in a verbal spat and also assaulted respondent no. 4 and his associate, Rohit with bricks.

The injuries suffered by respondent no. 4 and his associate, Rohit were found to be simple in nature.

This court has been informed that the petitioners as well as respondent no. 4 and his friend Rohit are students and are pursuing their studies. The

petitioners have expressed their remorse and have taken a vow not to commit this kind of an occurrence in future.

It appears that because of some heated arguments between the petitioners and respondent no. 4 and his friend, a scuffle took place, leading to the injuries on the persons of respondent no. 4 and his friend.

Taking into account the nature of accusation against the petitioners and conscious decision of respondent no. 4 and his friend Rohit not to prosecute the petitioners any further, this court is of the view that no useful purpose will be served in carrying forward the prosecution of the petitioners any further.

The pendency of any case against the petitioners would unnecessarily hamper the career of the petitioners, who are persons of young age. Even the respondent no. 4 and his friend would lose their focus in studies, if the case continues.

The petitioners are present and have been identified by their counsel. The respondent no. 4 and his friend Rohit, who has sworn an affidavit that he does not want to prosecute the petitioners any further, have been identified by SI Jai Singh.

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. 506/2016, PS Mukherjee Nagar instituted for the offence under Section 341/308/34 of IPC and all the emanating proceedings therefrom are quashed.

The petition is disposed of.

**ASHUTOSH KUMAR, J**

**NOVEMBER 16, 2017**  
**NC**