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

+ W.P.(CRL) 2197/2017

MOHD SHEHZAD & ORS

..... Petitioners

Through: Mr. Mohd. Salim Arif with Mr. M.
Khan, Advs.

versus

STATE OF NCT OF DELHI & ORS

..... Respondents

Through: Ms. Anya Singh, Adv. for Mr.Avi
Singh, ASC
SI Arun Kumar, P.S. Ghazipur

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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03.08.2017

Crl.M.A.12391/2017 (Exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(CRL) 2197/2017

The petitioners seek quashing of FIR No.933/2015 dated 03.10.2015 (P.S. Ghazipur) instituted under Sections 308, 323 and 34 of the IPC. The petitioner No.3 fought with respondent no.4 on the day of the occurrence. Petitioner No.3 and respondent No.4 are cousins. When the other persons, including the petitioners, came to the rescue of the parties, the dispute got aggravated and the parties scuffled among themselves. This led to injuries to the respondents but those are reported to be simple in nature.

A counter case was also lodged vide FIR No.932/2015.

During the course of investigation, the parties decided to settle their disputes. The petitioners and the respondents are distantly related also.

The petitioners and the respondents No.2 to 4 have been identified by their respective counsels.

Taking into account the fact that the respondents do not wish to prosecute the petitioners any further in this case because of goodwill, this court deems it expedient 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. 933/2015 dated 03.10.2015 (P.S. Ghazipur) instituted under Sections 308, 323 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 03, 2017

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