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

+ W.P.(CRL) 2209/2017

RAJINDER KUMAR & ANR Petitioners

Through: Mr. Rohit Bhardwaj, Adv.

versus

STATE GOVT OF NCT OF DELHI & ANR Respondents

Through: Mr. R.S. Kundu, ASC for the State
ASI Surinder Dutt, P.S. Hari Nagar
Ms. Megha Katari with Ms. Krati
Somvanshi, Advs. for R-2

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

O R D E R

% **04.08.2017**

CRL. M.A.12486/2017 (Exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(CRL) 2209/2017

The petitioners have sought quashing of the FIR No.0070/2017 dated 16.02.2017 (P.S. Hari Nagar) instituted for offences under Sections 323, 341, 506 and 34 of the IPC.

For a minor dispute, the petitioners had altercations with respondent No.2, despite the fact that all the three persons are colleagues and have been working together. The petitioners and respondent No.2 are also known to each other from before. The whole dispute had arisen because of some discrepancy in computing the accounts.

Realising the futility in keeping the investigation of this case pending,

a settlement was arrived at and it was agreed by the petitioners to pay Rs.75,000/- to respondent no.2. Out of the aforesaid amount, Rs.40,000/- has already been paid to respondent no.2. The balance amount of Rs.35,000/- has been paid in cash to the respondent No.2 in court today, which has been accepted by respondent No.2.

Taking into account the nature of accusation and eventual settlement of all disputes between the parties, this Court is of the view that no useful purpose would be served in continuing with the investigation of the subject FIR.

The petitioners and respondent No.2 are identified by their respective counsel.

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. 0070/2017 dated 16.02.2017 (P.S. Hari Nagar) instituted for offences under Sections 323, 341, 506 and 34 of the IPC and all other proceedings emanating therefrom are quashed.

The petition is disposed of in terms of the above.

AUGUST 04, 2017/ns

ASHUTOSH KUMAR, J