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

+ W.P.(CRL) 2378/2017

HARISH LUTHRA & ORS

..... Petitioners

Through: Mr. A.K. Gupta, Advocate.

versus

THE STATE OF NCT OF DELHI & ANR

..... Respondents

Through: Ms. Kamna Vohra, ASC for State.
SI Pramod Kumar, PS Subhash Place.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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07.11.2017

CRL.M.A. 13557/2017 (Ex.)

Exemption allowed subject to all just exceptions.

Application is disposed of.

W.P.(CRL) 2378/2017

The petitioners have sought quashing of the FIR no. 373/2016, dated 06.06.2016 (PS Subhash Place) instituted for the offence under Section 308/34 of IPC.

From the averments made in the FIR, it appears that there was a business dispute between the petitioners and the complainant/respondent no. 2 and because some of the outstanding bills of the respondent no. 2 were not paid, the present case was lodged.

It has been alleged in the subject FIR that when the respondent no. 2 had gone to the office of petitioner no. 1 for taking payment of his bills, he

was assaulted by a paper-weight and petitioners no. 2 & 3, on the orders of petitioner no. 1, manhandled him.

During the course of the investigation of the present case, a settlement was arrived at between the parties and the petitioners agreed to pay a total amount of Rs. 13,10,274/- to the respondent no. 2 against the bills. The respondent no. 2 had worked for some time as Interior Decorator with the firm of petitioner no. 1 namely, M/s Divine Vision Infraestate Pvt. Ltd.

Out of the aforesaid settled amount, the respondent no. 2 has received Rs. 8,73,516/-. The balance amount of Rs. 4,36,758/- has been handed over through demand draft dated 06.11.2017 bearing no. 813153 to respondent no. 2 in the court today, which he has accepted on his satisfaction.

The petitioners have been identified their counsel and respondent no. 2/complainant has been identified by SI Pramod Kumar.

Taking into account the aforesaid facts viz the occurrence arising out of a business dispute and the respondent no. 2/complainant having been more than recompensed, this court is of the view that no useful purpose would be served in keeping the investigation of the present case against the petitioners alive.

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. 373/2016, dated 06.06.2016 (PS Subhash Place) instituted for the offence under Section 308/34 of IPC and all the emanating proceedings therefrom are quashed.

The petition is disposed of.

ASHUTOSH KUMAR, J

NOVEMBER 07, 2017
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