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

+ W.P.(CRL) 2292/2017

JUNIAID KHAN & ANR

..... Petitioners

Through Mr.Kishor Kr. Behuria, Adv. with
Mr.Kamal, Adv.

versus

STATE GOVT OF NCT OF DELHI & ANR Respondents

Through Mr.Avi Singh, ASC.
SI Manoj Kumar PS Zafrabad.
Mr.Haneef Mohammad, Adv. with
Mr.Anil Vyas, Adv. for R-2 & R-3.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **01.09.2017**

Crl.M.A. 12971/2017 (Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(Crl.) 2292/2017

The petitioners seek quashing of the FIR No.626/2014 dated 25.09.2014 (PS Zafrabad) instituted for the offences under sections 341/308/34 of the IPC.

It has been alleged in the FIR that on the advice of respondent nos.2 & 3 to the petitioner no.1 to drive his vehicle carefully, a fight took place in which both the sides were injured. One of the injuries suffered by one of the petitioners is grievous whereas the others are simple in nature.

It may, however, be noted that the petitioners also have received injuries, though simple in nature, at the hands of the respondents.

Considering the fact that the parties were known to each other even before and the issue arose out of a small dispute, they took a conscious decision of not prosecuting each other in the respective cases any further.

The case filed by the petitioner no.1 against the respondents also has been quashed today by this court.

Chargesheet has been submitted in this case.

The parties are present in the Court and have been identified by their respective counsels.

Taking into account the aforesaid facts, namely, the nature of accusation, nature of injuries suffered by both the sides and the settlement of disputes between the parties, this Court is inclined to quash the subject FIR as no useful purpose would be served in continuing with the investigation.

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.626/2014 dated 25.09.2014 (PS Zafrabad) instituted for the offences under sections 341/308/34 of the IPC and all the emanating proceedings therefrom are quashed.

The petition is disposed of.

ASHUTOSH KUMAR, J

SEPTEMBER 01, 2017
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