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

+ CRL.M.C. 3207/2017

PARVEEN PANDEY

..... Petitioner

Through: Mr.S.P.Paul, Advocate with petitioner
in person

versus

THE STATE GOVT OF NCT OF DELHI & ANR Respondents

Through: Mr.Sanjeev Sabharwal, APP for the
State with SI Sudhir Joon PS Sangam
Vihar
Mr.C.M.Thapliyal & Mr.Kiran Lata
Pal, Advocates for R-2 with R-2 in
person

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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13.09.2017

1. By way of this petition filed under Section 482 Cr.P.C., petitioner is seeking quashing of case FIR No.234/12 registered under Section 354 IPC at PS Sangam Vihar and the proceedings emanating therefrom.
2. Briefly stating, the facts as mentioned in the petition are that respondent No.2 made a complaint to the police wherein she alleged that on 16th June, 2012 at about 10.30 a.m. when she was standing at the door of her house, at that time, the petitioner, who was her neighbour, caught hold of her hand and touched her cheeks. She raised alarm and her brother and neighbour came.

3. It is mentioned in the petition that during the pendency of the above FIR, the parties arrived at an amicable settlement before the Mediation Centre, Saket Courts, New Delhi vide order dated 21st July, 2017, which has been annexed with the petition as Annexure-G.
4. Today both the parties are present in person with their respective counsel. Learned counsel for the Petitioner submits that since the parties have resolved the dispute through mediation process and have no grievance whatsoever left against each other, the FIR may be quashed.
5. Respondents No.2/Complainant is present in person and submit that she does not wish to pursue her complaint any further and she has no objection if the FIR in question is quashed.
6. Though the petitioner has been charged with the offence of Section 354 IPC which is non-compoundable, but in the decision in the case of ***Gian Singh v State of Punjab & Anr. 2012 (9) SCALE 257***, the three Judges Bench of the Supreme Court dealing with the issue of quashing of FIR has laid down the following guidelines:-

“57. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences Under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and

gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and pre-dominantly civil favour stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

7. In view of the aforesaid amicable settlement arrived at between the parties, I am of the considered view that no useful purpose would be served by continuing the criminal proceedings against the petitioner, which will only be an exercise in futile and wastage of precious time of the Court.

8. Accordingly, the FIR No.234/12 registered under Section 354 IPC at PS Sangam Vihar and consequential proceedings arising therefrom are hereby quashed.

9. The petition is allowed.

Dasti.

PRATIBHA RANI, J.

SEPTEMBER 13, 2017

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