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

+ CRL.M.C. 3136/2017

GAURAV SHOKEEN & ANR Petitioners
Through Mr. Shailender Dahiya, Adv.

versus

THE STATE & ANR Respondents
Through Ms. Neelam Sharma, APP.
Mr. Pradeep Ahlawat, Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **11.08.2017**

CRL. M.A. 12954/2017 (Exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

CRL.M.C. 3136/2017

The petitioners seek quashing of the FIR No.192/2014 dated 16.03.2014 (P.S. Mianwali Nagar) instituted for offences under Sections 354, 509, 323 and 34 of the IPC.

From the averments made in the FIR, it appears that some occurrence took place on the day of *Holi* festival when a bucket of water was poured over respondent No.2. When she protested, the petitioners are alleged to have misbehaved with respondent No.2.

It has been submitted on behalf of the petitioners that there was some confusion and the petitioners did not know that respondent No.2 was not

willing to play Holi with them. The petitioners hail from the same village and were under an impression that they could play *Holi* with respondent No.2. Later, during the course of investigation, the respondent No.2 settled the dispute after taking into account that the petitioners are co-villagers and there was no intention of them to put her to any discomfort. A Memorandum of Understanding has also been drawn up which has been made part of the record.

Taking into account the aforesaid facts, this court feels inclined 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 reasons afore-recorded, the FIR No. 192/2014 dated 16.03.2014 (P.S. Mianwali Nagar) instituted for offences under Sections 354, 509, 323 and 34 of the IPC and all the emanating proceedings therefrom are quashed.

The petition is disposed of.

ASHUTOSH KUMAR, J

AUGUST 11, 2017

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