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

+ CRL.M.C. 3162/2017

GOVIND Petitioner

Through Ms.Sunita Arora, Adv.

versus

THE STATE & ANR Respondents

Through Dr.M.P. Singh, APP.
SI Ramesh Kumar PS Sultan Puri.
Mr.R C S Bhadoria, Adv. for
complainant/R-2.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **16.08.2017**

Crl.M.A. 13054/2017 (Exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

Crl.M.C. 3162/2017

The petitioner seeks quashing of the FIR No.1161/2006 dated 24.07.2006 (PS Sultanpuri) instituted for the offences under sections 354/452/506 of the IPC.

According to the FIR, the petitioner became known to respondent no.2 while she was staying as his neighbour. Because of this old acquaintance, the respondent no.2 agreed to cook food for the petitioner. It is submitted that the petitioner was a student at that time. The petitioner, it has been alleged, had an evil eye on respondent no.2 and he always used to

make indecent overtures. Vexed by this, the respondent no.2 stopped going to the house of the petitioner. The petitioner thereafter chased/hounded the respondent no.2 and on one occasion, misbehaved with her.

Hence the subject FIR.

Respondent no.2 is present in Court and submits that for the last 11 years, the petitioner has never troubled her. She further submits that she has children and the continuance of this proceeding in the subject FIR would only lead to her bad reputation. She is thus not desirous of prosecuting the petitioner any further.

The petitioner as well as respondent no.2 are present and have been identified by their respective counsels.

Taking into account the fact that respondent no.2 does not want to prosecute the petitioner and also the fact that the allegations in the FIR do not reveal the commission of any serious offence, this Court is inclined to quash the subject FIR. No useful purpose would be served in keeping the investigation in the aforesaid case pending. While saying so, this Court has also taken note of the fact that the occurrence took place in the year 2006 and ever since the lodging of the FIR, the petitioner has never made any attempt to have any connection with respondent no.2.

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.1161/2006 dated 24.07.2006 (PS Sultanpuri) instituted for the offences under sections 354/452/506 of the IPC and all the emanating proceedings therefrom are quashed.

The petition is disposed of.

ASHUTOSH KUMAR, J

AUGUST 16, 2017

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