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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 2309/2017**

SHRI SONU PHOGAT Petitioner
Through Mr.Mohit Ramdeo, Adv.

versus

STATE & ANR Respondents
Through Mr.Rajesh Mahajan, ASC with
Mr.Sachin Gupta, Adv.
W/SI Sunita Yadav PS Najafgarh.

CORAM:
HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER
% **16.08.2017**

Crl.M.A.13063/2017 (Exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(Crl.) 2309/2017

The petitioner seeks quashing of the FIR No.585/2014 dated 04.07.2014 (PS Najafgarh) instituted for the offence under section 354-B of the IPC.

Respondent no.2, on the day of the occurrence, after coming back from outside, saw that the petitioner and his father were assaulting her parents. When she tried to stop them, she was misbehaved with. It appears that respondent no.2 had misjudged the situation. The petitioner happens to be the brother of the sister-in-law of respondent no.2. There was a dispute between the brother and the father of respondent no.2 and perhaps the respondent no.2 got an impression that there was a dispute between the

petitioner and her parents. In a fit of anger, the petitioner and his father were assaulted by the sister of respondent no.2. After coming to know about the real state of affairs, respondent no.2 felt extremely bad for having filed the subject FIR. As such, she is not now, desirous of prosecuting the petitioner any further. A compromise deed has also been entered into between the parties, which has been made part of the record.

The petitioner is present in court and has been identified by his counsel. Respondent no.2 is also present, who has been identified by W/SI Sunita Yadav.

Taking into account the aforesaid facts, this Court is 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.585/2014 dated 04.07.2014 (PS Najafgarh) instituted for the offence under section 354-B of the IPC and all the emanating proceedings therefrom are quashed.

The petition is disposed of.

ASHUTOSH KUMAR, J

AUGUST 16, 2017/ab