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

+ **W.P.(CRL) 2331/2017**

VARINDER PAL GARG Petitioner
Through Mr. Amrit Pal S. Gambhir, Adv.
along with petitioner in person
versus

STATE OF NCT OF DELHI & ANR Respondents
Through SI Kamlesh Kumar, P.S. Ravinder
Nagar
Ms. Surbhi Sharma, Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **18.08.2017**

CRL. M.A.13208/2017 (Exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(CRL) 2331/2017

The petitioner seeks quashing of the FIR No.96/2017 dated 30.06.2017 (P.S. Rajinder Nagar) instituted for offences under Sections 279 and 427 of the IPC.

The petitioner is said to have been driving a car which hit another car in the intervening night of 29th and 30th June, 2017. The car which was damaged in the accident belongs to respondent No.2. It has been submitted that the accident took place because of poor visibility and bad road condition.

Be that as it may, respondent No.2 has agreed to accept some

monetary compensation which would be used for repair of his car. The petitioner is agreeable for the same. A Memorandum of Understanding has also been brought into existence. It has been submitted that the petitioner has also filed a case against the respondent No.2 vide FIR No.94/2017 under Sections 323, 341, 506 and 34 of the IPC. In the aforesaid FIR lodged by the petitioner against the respondent No.2, move is afoot for getting the same compounded.

The petitioner and respondent No.2 have been identified by their respective counsel.

Taking into account the aforesaid facts, this court is inclined to quash the subject FIR as no useful purpose would be served in keeping the investigation in the aforesaid case pending.

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 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. 96/2017 dated 30.06.2017 (P.S. Rajinder Nagar) instituted for offences under Sections 279 and 427 of the IPC and all the emanating proceedings therefrom are quashed.

The petition is disposed of.

ASHUTOSH KUMAR, J

AUGUST 18, 2017/ns