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

+ **CRL.M.C. 3280/2017**

RAJ SINGH UTWAL @ RAJ SINGH ATWAL Petitioner
Through Ms. Shilpa Dua, Adv. along with
petitioner in person

versus

STATE NCT OF DELHI & ANR Respondents
Through Dr.M.P. Singh, APP.
SI Devender, P.S. Dabri

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **22.08.2017**

CrI.M.A.13475/2017

Exemption allowed subject to all just exceptions.

Application stands disposed of.

CRL.M.C. 3280/2017

The petitioner seeks quashing of the FIR No.194/15 dated 10.02.2015 (P.S. Dabri) instituted for offences under Sections 354B, 323, 341 and 509 of the IPC.

The petitioner is the husband of the sister of respondent No.2. It has been submitted on behalf of the petitioner and respondent No.2 that because of some misunderstanding, the subject FIR was lodged. The respondent No.2 has agreed for not prosecuting the petitioner any further keeping in account the close relationship which exists between the petitioner and her. A settlement has been arrived at through the agency of Mediation Centre,

Dwarka. The settlement agreement has been placed on record.

The petitioner and respondent No.2 are present in court. The petitioner has been identified by his counsel whereas the respondent No.2 has been identified by SI Devender.

Taking into account the aforesaid facts, namely, the nature of accusation and the relationship between the parties, 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. 194/15 dated 10.02.2015 (P.S. Dabri) instituted for offences under Sections 354B, 323, 341 and 509 of the IPC and all the emanating proceedings therefrom are quashed.

The petition is disposed of.

ASHUTOSH KUMAR, J

AUGUST 22, 2017

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