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

+ W.P.(CRL) 2389/2017

KARAN SHARMA

..... Petitioner

Through Mr.Peeush Kulshreshtha, Adv.

versus

STATE (GOVT OF NCT OF DELHI) & ORS ..... Respondents

Through Mr.Avi Singh, ASC with Ms.Megha  
Bahl, Adv. for State.

**CORAM:**

**HON'BLE MR. JUSTICE ASHUTOSH KUMAR**

**ORDER**

% **23.08.2017**

The petitioner seeks quashing of the FIR No.282/2017 dated 02.05.2017 (PS Seemapuri) instituted for the offence under section 324 of the IPC.

The petitioner is said to have inflicted grievous injury on respondent no.2 who is nobody else but his brother. The petitioner and respondent no.2 stay in the same house and because of some confusion, the occurrence had taken place.

However, taking into account, the relationship between the parties and the fact that no useful purpose would be served in prosecuting the petitioner, respondent no.2 took a conscious decision of not prosecuting the petitioner any further.

Regard being had to the fact that the petitioner and respondent no.2 are real brothers who stay in the same house and the offence being of a

purely personal nature, though being an offence against human body, 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 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.282/2017 dated 02.05.2017 (PS Seemapuri) instituted for the offence under section 324 of the IPC and all the emanating proceedings therefrom are quashed.

The petition is disposed of.

**ASHUTOSH KUMAR, J**

**AUGUST 23, 2017**

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