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

+ W.P.(CRL) 2376/2017

SADDAM HUSSAIN & ORS

..... Petitioners

Through: Mr.Pawan Sharma and Mr.Pawan  
Gupta, Advs.

versus

STATE OF DELHI & ORS

..... Respondents

Through: Mr.Sanjay Lao, ASC.  
Mr.Karan Bansal, Adv. for R-2 to 5.  
SI Satvinder, P.S.Kalkaji.

**CORAM:**

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

**ORDER**

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**09.11.2017**

The petitioner seeks quashing of FIR No.203/2017 dated 13.05.2017 (P.S.Kalkaji) instituted for the offence under Sections 308/34 of the IPC.

It has been alleged in the subject FIR that an occurrence took place in a marriage function, which led to inflicting of grievous injuries on the person of two of the respondents whereas two others received simple injuries. It has been submitted on behalf of the parties that the petitioners as well as the respondents are neighbours and have been family friends for long time. Because of some misunderstanding between them, a fight had taken place which led to the injuries.

During the course of investigation, the dispute was settled and a compromise agreement was drafted.

Taking into account the fact that there was no intention of the

petitioners to inflict any injuries on the respondents, the respondents agreed not to prosecute the petitioners any further. While deciding on such lines, the respondents have also taken into account the fact that pendency of any litigation between them would only create bad blood and would not be to the benefit of anyone. Though some of the injuries suffered by two of the respondents are stated to be grievous but those are not of such kind which would have endangered their lives.

Taking into account the aforesaid facts, this Court is also of the view that no useful purpose would be served in permitting the prosecution of the petitioners any further.

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.203/2017 dated 13.05.2017 (P.S.Kalkaji) instituted for the offence under Sections 308/34 of the IPC and all the emanating proceedings therefrom are quashed.

The petition is disposed of.

**ASHUTOSH KUMAR, J**

**NOVEMBER 09, 2017/k**