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

+ **CRL.M.C. 3332/2017**

JOGINDER

..... Petitioner

Through Mr. A.K. Sharma, Adv.

versus

THE STATE & ANR

..... Respondents

Through Dr. M.P. Singh, APP.
SI C.B. Sharma, P.S.New Usmanpur
Ms. Sunita Sharma, Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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23.08.2017

CRL. M.A.13610/2017 (Exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

CRL.M.C. 3332/2017

The petitioner seeks quashing of the FIR No.187/2017 dated 18.03.2017 (P.S. New Usmanpur) instituted for offences under Sections 354(D), 506 and 509 of the IPC read with Section 67 of the Information Technology Act, 2000.

The petitioner is the first cousin of respondent no.2. After having met respondent No.2 while on a visit to her house, the petitioner obtained her telephone number and started pressurising her for marrying him. The petitioner was made to understand that such marriage would only be an incestuous marriage and the petitioner should refrain from further harassing

respondent No.2. It has further been alleged that the petitioner transmitted the mobile telephone number of respondent No.2 to a website for dating.

However, considering the relationship between the parties and specific assurance of the petitioner of not indulging in any such activity hereafter, respondent No.2 has agreed to condone the petitioner and not to prosecute him any further. The parents of the petitioner and respondent No.2 have also intervened and have taken a decision not to prosecute the petitioner.

A settlement deed has also been brought on record.

Petitioner has been identified by his counsel. The respondent No.2 has been identified by SI C.B. Sharma.

Taking into consideration the aforesaid facts, this court is of the view that any further continuance of the proceedings in the present case would spoil the career of the petitioner and would only cause embarrassment to the respondent No.2, who is still in her teens.

In view of 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 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. 187/2017 dated

18.03.2017 (P.S. New Usmanpur) instituted for offences under Sections 354(D), 506 and 509 of the IPC read with Section 67 of the Information Technology Act, 2000 and all the emanating proceedings therefrom are quashed.

The petition is disposed of.

ASHUTOSH KUMAR, J

AUGUST 23, 2017

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