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

+ W.P.(CRL) 2434/2017

MOHIT @ MONTU @ MANTU Petitioner
Through Mr.Chander Kant Tyagi, Adv.

versus

STATE GNCT DELHI & ORS Respondents
Through Mr.Sanjay Lao, ASC with
Mr.Siddharth Sindhu, Adv.
Mr.Jatin Malhotra, Adv. for
complainant.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **28.08.2017**

Crl.M.A.13903/2017 (Exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(Crl.) 2434/2017

The petitioner seeks quashing of the FIR No.234/2017 dated 03.08.2017 (PS Nabi Karim) instituted for the offences under sections 324/308 of the IPC.

It appears from the subject FIR that because of the petitioner knowing respondent no.2 as an electrician, he approached him for repairing his fan. The fan was not repaired as was promised. A dispute thereafter arose, when the petitioner is said to have assaulted the respondent no.2 by means of a danda on his head.

Respondent no.2, now does not wish to prosecute the petitioner any further.

Learned counsel for the petitioner has further submitted that as

compensation, the petitioner has paid an amount of Rs.30,000/- to respondent no.2 which has been accepted by him on full satisfaction. It has also been submitted that petitioner and respondent no.2 stay in the same locality and known to each other before.

Considering the nature of accusation levelled in the FIR, the offences alleged being purely personal in nature and the settlement between the parties, this Court is inclined to quash the subject FIR.

The petitioner and respondent no.2 are present and have been identified by their respective counsels.

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.234/2017 dated 03.08.2017 (PS Nabi Karim) instituted for the offence under sections 324/308 of the IPC and all the emanating proceedings therefrom are quashed.

The petition is disposed of in terms of the above.

ASHUTOSH KUMAR, J

AUGUST 28, 2017/ab