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

+ **W.P.(CRL) 2453/2017**

RATNESH KUMAR GUPTA Petitioner
Through **Mr. Praveen Kumar Singh, Adv.**
along with petitioner in person

versus

STATE OF NCT OF DELHI & ANR Respondents
Through **Mr.Siddharth Sindhu, Adv. for**
Mr.Sanjay Lao, ASC

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **30.08.2017**

CRL. M.A.14022/2017 (Exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(CRL) 2453/2017

The petitioner, who is an Assistant Public Prosecutor, Saket District Courts seeks quashing of the FIR No.584/2016 dated 06.09.2016 (P.S. Saket) instituted for offences under Sections 354B, 323, 342, 506 and 34 of the IPC.

It appears from the averments made in the FIR that the complainant of the case, who was also the complainant in a case of eve teasing and stalking, was aggrieved by the conduct of the petitioner. It has been alleged that when the complainant met the petitioner, the petitioner is said to have told

her that the case lodged by her was absolutely incorrect. It has also been alleged that the petitioner got enraged, called his assistants and tried to manhandle the complainant. From the averments made in the FIR itself, it appears that the complainant had become sensitive on some statement having been made by the petitioner in his capacity as Assistant Public Prosecutor.

Be that as it may, when the complainant came to learn that there was no intention of the petitioner, either to trouble or manhandle her or to do anything to spoil her case of eve teasing and stalking, she took a conscious decision of not prosecuting the petitioner any further.

The petitioner is also alleged to have filed FIR vide FIR No. 583/2016 against the complainant of the present case.

The parties have settled their disputes. Neither the petitioner is interested in prosecuting the complainant in the FIR which has been lodged nor the complainant is willing to continue the prosecution any further.

Taking into account the aforesaid facts, specially, the nature of accusation and the settlement of disputes between the parties, this court is of the view that no useful purpose would be served in continuing with the investigation of the present case. Hence, 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 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. 584/2016 dated 06.09.2016 (P.S. Saket) instituted for offences under Sections 354B, 323, 342, 506 and 34 of the IPC and all the emanating proceedings therefrom are quashed.

The petition is disposed of.

Dasti.

ASHUTOSH KUMAR, J

AUGUST 30, 2017
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