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

+ **W.P.(CRL) 2533/2017**

ANKUSH ARORA

..... Petitioner

Through Mr.Pratyush Chiranj, Adv.

versus

STATE & ANR

..... Respondents

Through Mr. Sanjay Lao, ASC with
Mr.Siddharth Sindhu, Adv.
SI Kishanveer Bhati PS Shakarpur.
Mr.Ramandeep Singh, Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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05.09.2017

CrI.M.A. 14555/2017 (Exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(CrI.) 2533/2017

The petitioner seeks quashing of the FIR No.186/2017 dated 20.04.2017 (PS Shakarpur) instituted for the offences under sections 323/341/365/354(B)/509/506 of the IPC.

The petitioner and respondent no.2 are known to each other and have been friends for a long time. The friendship continues even today.

It has been alleged in the subject FIR that on 20.04.2017, because of the respondent no.2 not picking up the telephone call of the petitioner, the petitioner got infuriated and misbehaved with respondent no.2. Later, the

petitioner requested her to condone him for his temperamental behaviour. On going through the FIR, this Court is of the view that because of some dispute between two friends of opposite sexes, the occurrence had taken place. There is no rancour between the petitioner and respondent no.2 and in fact this Court has asked and confirmed from the parties about their present state of relationship. The respondent no.2 has categorically stated that she has decided not to prosecute the petitioner any further and she also intends to continue her relationship with him.

Considering the aforesaid facts, this Court is of the view that no useful purpose would be served in keeping the investigation of the aforesaid case pending. While saying so, this Court also has taken into account the young age of the petitioner and respondent no.2 and that the pendency of this case would ruin the career of both the parties.

The parties are present and have been identified by their respective counsels.

Taking into account the aforesaid facts, this Court feels inclined to quash the subject FIR as.

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.186/2017 dated

20.04.2017 (PS Shakarpur) instituted for the offences under sections 323/341/365/354(B)/509/506 of the IPC and all the emanating proceedings therefrom are quashed.

The petition is disposed of.

ASHUTOSH KUMAR, J

SEPTEMBER 05, 2017
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