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

+ W.P.(CRL) 2737/2017

SHARUKH KHAN

..... Petitioner

Through

Mr. Hemant Mudgal with Mr. Amit
Kumar, Advs.

versus

THE STATE & ANR

..... Respondents

Through

Mr. Rajesh Mahajan, ASC with Mr.
Mohit Sharma, Adv.
SI Suresh Kumar, P.S. Timarpur

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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31.10.2017

The petitioner seeks quashing of the FIR no.254/2017 dated 11.06.2017 (P.S. Timarpur) instituted for the offence under Section 381 of the IPC.

The petitioner worked as a driver of respondent No.2. It has been alleged in the FIR that the petitioner was handed over Rs.26,000/- to be deposited in the office of the complainant but the money was utilised by the petitioner for his own needs.

During the course of investigation of the subject FIR, a settlement has been arrived at. The petitioner has paid Rs.26,000/- to his employer (respondent No.2)/complainant. The complainant/respondent No.2 is present in court and has ratified the aforesaid assertion of the petitioner.

The petitioner has been identified by his advocate whereas the

complainant/respondent No.2 has been identified by ASI Sukesh Kumar.

Taking into account the fact that the parties have settled their disputes and respondent No.2 is not desirous of prosecuting the petitioner as he has been returned the amount which was given by him, this court is of the view that no useful purpose would be served in keeping the investigation of this case pending.

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. 254/2017 dated 11.06.2017 (P.S. Timarpur) instituted for the offences under Section 381 of the IPC and all the emanating proceedings therefrom are quashed.

The petition is disposed of.

ASHUTOSH KUMAR, J

OCTOBER 31, 2017

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