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

+ **W.P.(CRL) 2842/2017**

RAVI SAIN JAIN & ORS Petitioners
Through: **Ms.Protima Parihar, Adv.**

versus

THE STATE & ANR Respondents
Through: **Ms.Nandita Rao, ASC.**
Mr.Nishant Bhadoria, Adv. for R-2.

CORAM:
HON'BLE MR. JUSTICE ASHUTOSH KUMAR

% **ORDER**
09.10.2017

CrI.M.A. 16423/2017 (Exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(CRL) 2842/2017

The petitioners seek quashing of the FIR No.206/2016 dated 18.02.2016 (PS New Usmanpur) instituted for the offences under sections 498A/406/34 of the IPC read with Section 4 of Dowry Prohibition Act, 1961 on the strength of settlement and respondent no.2 having joined petitioner no.1 in the matrimonial home.

Petitioner no.1 was married to respondent no.2 on 14.02.2014. However, within a year, the relationship between petitioner no.1 and respondent no.2 soured and they started living separately. In 2015, a complaint was lodged by respondent no.2 against the petitioners under

section 12 of the Domestic Violence Act, 2005. Thereafter on 18.02.2016, the subject FIR was lodged at the instance of respondent no.2 against the petitioners. Within the period of two years and during the pendency of the aforesaid proceedings, respondent no.2 joined petitioner no.1 as his legally wedded wife. There has been a complete settlement of disputes between the spouses and the family is living together ever since.

The petitioners are present in Court who have been identified by their counsel. Respondent no.2 has been identified her counsel.

Taking the aforesaid fact into account, this Court is inclined to quash the subject FIR as no useful purpose would be served in keeping the investigation in the aforesaid 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.206/2016 dated 18.02.2016 (PS New Usmanpur) instituted for the offences under sections 498A/406/34 of the IPC read with Section 4 of Dowry Prohibition Act, 1961 and all the emanating proceedings therefrom are quashed.

The petition is disposed of.

ASHUTOSH KUMAR, J

OCTOBER 09, 2017

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