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

+ W.P.(CRL) 2643/2017

RAM AVTAR GOYAL & ORS

..... Petitioners

Through Mr. Krishan Kumar with Ms. Jyoti
Gupta, Advocates

versus

STATE (GOVT OF NCT OF DELHI) & ANR Respondents

Through Mr. Rajesh Mahajan, ASC
SI Jaiveer, P.S. K.M.Pur
Mr. M. Hasibuddin, Advocate for R-2
with R-2 in person

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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08.11.2017

The petitioners have sought quashing of FIR No.260/2017 dated 25.08.2017 (P.S.K.M. Pur) instituted for offences under Sections 308/341/34 of the IPC.

The petitioner No.2 is stated to have taken loan from the complainant and when the money was not being returned, a reminder was made by the complainant. It has been alleged against the petitioners that on the day of the occurrence, the petitioners No.2 and 3 assaulted the complainant and confined him for a limited period. However, during the period when the FIR was being investigated, a settlement was arrived at between the parties.

The complainant is distantly related to the petitioners. Taking this into account, the differences between them were settled and the complainant was given the amount which was due to him.

The settlement deed has also been brought on record as Annexure P-3.

The status report reveals that the dispute between the parties has been settled. Petitioners No.1 and 2 enjoy clean antecedents and petitioner No.3 was earlier made an accused in a case instituted for offence under Section 283 IPC in P.S. Kotla Mubarakpur.

Considering the fact that the petitioners and the complainant/respondent No.2 are related to each other and the respondent No.2 has now been given his dues and he is not interested in prosecuting the petitioners any further, this court is of the view that no useful purpose would be served in keeping the investigation of the subject FIR pending.

The petitioners and the respondent No.2 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. 260/2017 dated 25.08.2017 (P.S.K.M. Pur) instituted for offences under Sections 308/341/34 of the IPC and all the emanating proceedings therefrom are quashed.

The petition is disposed of.

ASHUTOSH KUMAR, J

NOVEMBER 08, 2017/ns