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

+ **W.P.(CRL) 2657/2017**

SH AKASH DUHOON & ANR

..... Petitioners

Through Ms.Preeti Saini, Adv. with Mr.Amar
Nath Jain, Adv.

versus

STATE & ANR

..... Respondents

Through Mr. Ashish Aggarwal, ASC with
Mr.Piyush Singhal, Adv.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **14.09.2017**

CrI.M.A. 15267/2017 (Exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(CrI.) 2657/2017

The petitioners seek quashing of the FIR No.650/2017 dated 24.08.2017 (PS Narela) instituted for the offence under section 308/34 of the IPC.

It has been submitted on behalf of the petitioners that on a trivial issue on 23.08.2017, a quarrel took place when the petitioner was alleged to have assaulted respondent no.2 by means of an iron rod on his head causing injuries to him. The averments made in the FIR reflect that the petitioner was cautioned by respondent no.2 of not talking loudly in front of his house,

which infuriated him and thereafter the occurrence is said to have taken place.

Learned counsel for the petitioner has drawn the attention of this Court to the settlement agreement between the parties whereby respondent no.2 has decided not to prosecute the petitioners any further. It has further been submitted that both, the petitioners as well as respondent no.2 are neighbours and are the persons of young age. The offence, though, is against the human body but considering the nature of accusation, it appears that a verbal spat between the petitioner and the complainant/respondent no.2 took an ugly turn when assault was perpetrated.

The records further reveal that the injuries suffered by the respondent no.2/complainant was on the right eyebrow and the nature of the injury was found to be blunt. From the description of the injury, it appears that it was not grievous in nature.

Considering the aforesaid facts viz. settlement of disputes between the parties, the offence being purely personal in nature because of fight having taken place between the petitioners and respondent no.2 and the fact that both the parties are neighbours and they have taken a conscious decision of living as a good neighbours hereafter, this Court is of the view that no useful purpose would be served in keeping the investigation in the aforesaid case pending. While saying so, this Court has also taken special note of the young age of the petitioners and respondent no.2 and the fact that any pendency of litigation between them would jeopardise their careers.

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.650/2017 dated 24.08.2017 (PS Narela) instituted for the offence under section 308/34 of the IPC and all the emanating proceedings therefrom are quashed.

The petition is disposed of.

ASHUTOSH KUMAR, J

SEPTEMBER 14, 2017

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