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

+ W.P.(CRL) 2706/2017

SH MAHENDER & ORS

..... Petitioners

Through: Mr. Raman Chatwal, Adv.

versus

THE STATE OF NCT OF DELHI & ORS

..... Respondents

Through: Mr.R.S.Kundu, ASC for

Ms.Kamna Vohra, ASC for State.

ASI Rakesh Kumar, P.S. Mangol Puri.

Mr.A.S. Thapa, Advocate for R 2 to 7.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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13.11.2017

The petitioners seek quashing of the FIR No.837/2017 dated 11.06.2017 (PS Mangol Puri) instituted for the offences under Sections 323/308 and 34 IPC.

It has been submitted on behalf of the petitioners that the petitioners and the respondents 2 to 7 have been residing in the same locality as neighbours for the last 20 years. However, because of some misunderstanding, an occurrence took place on 11.6.2017 in which there were scuffles between the parties leading to simple and grievous injuries on the persons of the respondents 2 to 7.

This Court has also been informed that one of the victims of the present FIR had also lodged a cross case vide FIR No.838/2017 on the same day in the same police station in which the petitioners were made accused.

During the course of the investigation of both the FIRs referred to above, dispute has been settled between the parties. Taking into account the fact that the parties in both the cases are neighbours, a conscious decision was taken by them not to prosecute each other any further in the respective FIRs.

Considering the trivial nature of dispute between the parties, and the fact that the disputes have been settled by the respondents and a settlement arrived at between the parties, this Court is of the view that no useful purpose would be served in permitting the prosecution of the petitioners any further.

The petitioners are present in Court and have been identified by their counsel. The respondents 2 to 7 are also present and have been identified by ASI Rakesh Kumar.

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.837/2017 dated 11.06.2017 (PS Mangol Puri) instituted for the offences under Sections 323/308 and 34 IPC and all the emanating proceedings therefrom are quashed.

The petition is disposed of.

ASHUTOSH KUMAR, J

NOVEMBER 13, 2017
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