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

+ W.P.(CRL) 2691/2017

SHEETAL MITTAL & ORS Petitioner
Through: Mr. Kumar Mukesh, Advocate

Versus

STATE & ANR Respondents
Through: Ms. Nandita Rao, ASC/GNCTD
Mr. Vikas Goyal, Advocate for R-2
Alongwith father of R-2, in person
ASI Satpal Singh, PS:Vivek Vihar

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **26.09.2017**

The petitioners have sought quashing of FIR No. 300/2017 dated 26th June, 2017 (P.S. Vivek Vihar) which was initially instituted for the offences under Sections 342/374 of the IPC, but later, Sections 323/370 & 34 were also added.

Dharmo Mahento @ Sunita, had jumped from the terrace of the house of the petitioners and had hurt herself. She thereafter made a statement before the police that when she wanted to go out of the house, she was prevented by the petitioners and therefore, she made an excuse of going to toilet and then jumped from the terrace.

However, it has been stated by respondent no.2/the victim that she was never ill-treated by the petitioners in the house. She had been kept in the house as a domestic help. Later, she did not want to continue with that work and of her own, she had taken a jump from

the terrace which according to her estimation was low in height.

This Court has interacted with respondent no.2 and her father who has come from Jharkhand. Since the respondent no.2 is not willing to work as domestic help now, her father has also taken a decision to take her back home with him. The father of respondent no.2/the victim stated before this Court that his daughter did not complain about any ill-treatment having been meted out to her by the petitioners.

Thus, neither respondent no.2 nor her father is desirous of prosecuting the petitioners any further.

Taking this aspect into account, this Court is of the view that no useful purpose would be served in keeping the prosecution/investigation against the petitioners alive.

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.300/2017 dated 26th June, 2017 (P.S. Vivek Vihar) instituted for offences under Sections 342/374 IPC is quashed and the proceedings emanating from it, as no useful purpose will be served in keeping the investigation in the case pending.

Thus, the petition is disposed of in above mentioned terms.

ASHUTOSH KUMAR, J.

SEPTEMBER 26, 2017/P