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

+ **W.P.(CRL) 2755/2017**

SHARUKH KHAN

..... Petitioner

Through: Mr.Sudhir Batra and Mr.Rohit
Khanna, Advs.

versus

THE STATE & ANR

..... Respondents

Through: Ms.Kamna Vohra, ASC.
SI Rishi Sharma, P.S.Jamia Nagar.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

O R D E R

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21.09.2017

Crl.M.A. No.15818/2017 (Exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(CRL) 2755/2017

The petitioner seeks quashing of FIR No.977/2016 dated 16.08.2016 (P.S.Jamia Nagar) instituted for the offences under Sections 354/354A/506 and 509 of the IPC.

The petitioner is the brother-in-law (younger brother of the husband of the complainant). It has been alleged that the petitioner had been misbehaving with the complainant at the instance of the mother-in-law of the complainant. It has been brought to the notice of this Court that the elder brother of the petitioner was married to the complainant when the petitioner

was only a child of about 6/7 years. Later, dispute arose in the family and there are now several litigation between the members of the family. The complainant has filed a complaint under Section 12 of the D.V Act against her husband and other family members including the petitioner. The father of the petitioner, who is the father-in-law of the complainant, has also filed a suit for possession of certain property as against the respondent No.2/complainant and her husband.

During the course of investigation of the present case, a settlement was arrived at between the parties and a Memorandum of Understanding also was brought into existence. It has been agreed upon by the parties that they will not prosecute each other and that complainant shall assist in getting the subject FIR quashed.

From the averments made in the FIR also it appears that there is a family dispute and present case is nothing but an off-shoot of such family dispute.

Considering the aforesaid facts, this Court is inclined to quash the subject FIR.

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.977/2016 dated 16.08.2016 (P.S.Jamia Nagar) instituted for the offences under Sections 354/354A/506 and 509 of the IPC and all the emanating proceedings therefrom are quashed.

The petition is disposed of.

Dasti.

ASHUTOSH KUMAR, J

SEPTEMBER 21, 2017

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