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

+ W.P.(CRL) 2729/2017

DIVYA GARG

..... Petitioner

Through

Mr. Ajay Veer Singh with Mr. Atul
Agarwal & Mr. Rahul Poonia, Advts.
along with petitioner in person

versus

STATE OF NCT OF DELHI & ANR

..... Respondents

Through

Mr. Piyush Singhal, Adv. for Mr.
Ashish Aggarwal, ASC

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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19.09.2017

The petitioner seeks quashing of the FIR No.306/2016 dated 15.09.2016 (P.S. Tilak Marg) instituted for offences under Sections 279 and 337 of the IPC.

The petitioner is said to have been driving a vehicle and when she took a turn, she accidentally hit the scooty of the complainant/respondent No.2. It has been submitted that the complainant/respondent No.2 received minor injuries.

The respondent No.2, on realising that it was a pure accident and that the petitioner did her best to stop the vehicle but could not because of the suddenness with which she saw the respondent No2, does not wish to prosecute the petitioner any further.

It has also been submitted on behalf of the petitioner that after the accident, the petitioner was served with a notice under Section 133 of the Motor Vehicle Act, 1988. The petitioner could get back her vehicle only after signing an indemnity bond and on superdari of Rs.3 lakh. Mr. Piyush Singhal, learned advocate appearing on behalf of State informs this Court that charge sheet in this case has been submitted.

Nonetheless, this Court is of the view that keeping alive any prosecution any further would not be beneficial either for the petitioner or the respondent No.2.

Considering the nature of accusation and the settlement of dispute between the petitioner and respondent No.2, this Court is of the view that no useful purpose would be served in keeping the investigation pending in the present FIR.

Taking into account the aforesaid facts, this Court has been persuaded 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. 306/2016 dated 15.09.2016 (P.S. Tilak Marg) instituted for offences under Sections 279 and

337 of the IPC and all the emanating proceedings therefrom are quashed.

The petition is disposed of.

ASHUTOSH KUMAR, J

SEPTEMBER 19, 2017

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