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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 2876/2017**

DUSHYANT VATS & ORS Petitioners
Through Mr. Sunil Sharma, Adv.

versus

STATE (NCT OF DELHI) & ANR Respondents
Through Mr.Sanjay Lao, ASC with
Mr.Siddharth Sindhu, Adv.
SI Sunil Kumar, P.S.Najafgarh
Mr. Sunil Sharma with Mr. Dilbag
Singh, Advs. for R-2

CORAM:
HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER
% **12.10.2017**

CRL. M.A. 16659/2017 (Exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(CRL) 2876/2017

The petitioners have sought quashing of the FIR No.261/2017 dated 25.08.2017 (P.S. Najafgarh) instituted for offences under Sections 186, 332, 353 and 34 of the IPC.

It has been submitted on behalf of the petitioners that for a petty quarrel between the petitioners and respondent No.2, the subject FIR was lodged. The petitioners are alleged to have assaulted the complainant/respondent No.2 but no injury has been suffered by him.

During the pendency of the subject FIR, a settlement has been arrived

at between the parties and respondent No.2 has taken conscious decision of not prosecuting the petitioners any further.

Considering the aforesaid facts namely the settlement of all the disputes and the nature of accusation as against the petitioners, this Court is of the view that no fruitful purpose shall be served in allowing the investigation in this case to be continued and the subject FIR being kept alive.

The petitioners are present in court and have been identified by their counsel. The complainant/respondent No.2 has been identified by SI Sunil Kumar.

Taking into account the aforesaid facts, this Court feels 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, FIR No. 261/2017 dated 25.08.2017 (P.S. Najafgarh) instituted for offences under Sections 186, 332, 353 and 34 of the IPC and all the emanating proceedings therefrom are quashed.

The petition is disposed of.

OCTOBER 12, 2017/ns

ASHUTOSH KUMAR, J