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

+ **W.P.(CRL) 3144/2017**

SYED UMAR MANZOOR SIMNANI

..... Petitioner

Through: Mr.Pradeep Desodya and
Mr.Nachiketa Suri, Advocates with
petitioner in person.

versus

STATE (GOVT OF NCT DELHI) & ANR

..... Respondents

Through: Mr.Rajesh Mahajan, ASC for the
State/R-1 with Mr.Mohit Sharma,
Advocate.
Ms.Oshin Belove, Advocate with
respondent No.2 in person.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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13.11.2017

CrI.M.A. No.18533/2017

1. Exemption allowed subject to all just exceptions.
2. Application is disposed of.

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1. By way of instant writ petition filed under Article 226 of Constitution of India read with Section 482 Cr.P.C., the petitioner seeks quashing of FIR bearing No.662/2017 under Sections 354/354-A/354-D/341/509 IPC, PS Mukherjee Nagar, Delhi and all the proceedings arising therefrom.

2. Briefly stating, case FIR No.662/2017 under Sections 354/354-A/354-

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D/341/509 IPC was registered at PS Mukhejee Nagar on the basis of complaint made by the complainant/respondent No.2 on 7th September, 2017 to the effect that she studied in a School in Aligarh from Class X to XII where she met the petitioner and they became friends. After leaving the school, she tried to break up with him for the past two years but the petitioner had been blackmailing her to misuse her photographs. The petitioner used to follow her to her college or her PG accommodation. She even changed her PG accommodation and also the mobile number to avoid the petitioner. Recently when the petitioner followed her to her college, she lodged a complaint with PS Maurice Nagar but the matter was compromised at that time as the petitioner promised not to follow or call her. Despite that, the petitioner has been calling her and following her. On the basis of above complaint, the FIR in question was registered against the petitioner.

3. During the pendency of the criminal proceedings, the parties have arrived at an amicable settlement, copy of which has been placed on record.

4. Petitioner as well as respondent No.2 are present in person alongwith their respective counsel.

5. Learned counsel for the petitioner submits that the petitioner assured the complainant that he will not repeat such acts in the future and assured not to follow her or call or contact her in any manner. Learned counsel for the petitioner submits that since the parties have arrived an amicable settlement, no useful purpose would be served by continuance of criminal proceedings against the petitioner. Learned counsel thus prays for quashing of the FIR and all subsequent proceedings arising out of said FIR.

6. Respondent No.2 is present in Court today and she also confirms the factum of amicable settlement with the petitioner. She submits that

petitioner has assured that he will not blackmail her or contact her in any manner in future and she has also pardoned him. She submits that she has no objection if the FIR in question and all subsequent proceedings arising out of the same are quashed.

7. The FIR registered against the present Petitioners is for committing the offences punishable under Sections 354/354-A/354-D/341/509 IPC some of which are non-compoundable offences. In the decision reported as Gian Singh v State of Punjab & Anr. 2012 (9) SCALE 257, the three Judges Bench of the Supreme Court dealing with the issue of quashing of FIR has observed as under:-

“57. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences Under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and pre-dominantly civil favour stand on different

footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

9. In view of the aforesaid amicable settlement arrived at between the parties and the legal position laid down in *Gian Singh's case* (Supra), I am of the considered view that no useful purpose would be served by continuing the criminal proceedings against the petitioner, which will only be an exercise in futile and wastage of precious time of the Court.

10. Accordingly, in terms of the settlement case FIR bearing No.662/2017 under Sections 354/354-A/354-D/341/509 IPC, PS Mukherjee Nagar, Delhi and consequential proceedings arising therefrom are hereby quashed.

Order dasti, as prayed.

PRATIBHA RANI, J.

NOVEMBER 13, 2017/ 'pg'