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

+ **W.P.(CRL) 3210/2017**

GIAN CHAND JINDAL & ORS

..... Petitioners

Through Mr. Murari Tiwari with Mr. R.S.
Goswami, Mr. Rahul Kumar & Mr.
Sahil Munjal, Advs.

versus

STATE (NCT OF DELHI) & ORS

..... Respondents

Through Mr. Sanjay Lao, ASC for Mr. R.S.
Kundu, ASC
SI Jeetendra Singh, P.S. Subhash
Place
Mr. Kanwar Kochhar, Adv. for R-2 to
R-7

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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20.11.2017

CRL. M.A.18950/2017 (Exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(CRL) 3210/2017

The petitioners have sought quashing of the FIR No.520/2017 dated 27.10.2017 (P.S. Subhash Place) instituted for the offences under Sections 308, 323, 341, 452, 506, 427, 120B and 34 of the IPC on the strength of settlement between the petitioners and respondents No.2 to 7.

It appears that petitioner No.1, who is the president of the Residents Welfare Association, had circulated a letter in the society wherein the expression “defaulter” was used for the members who had not paid the maintenance charges. This led to some protest by the residents and the petitioners are then said to have assaulted respondents No.2 to 7.

Learned counsel for the petitioners as well as the respondents no.2 to 7 have submitted that there was some confusion in their minds and somehow or the other, a minor dispute galvanized into a local fight in which the petitioners as well as the respondents No.2 to 7 behaved irresponsibly. However, taking into account that all of them, i.e the petitioners as well as the respondents, are staying in the same locality and some of them are also related to each other, a common decision was taken not to prosecute the petitioners in this case any further.

Having regard to the above facts and circumstances, this court is of the view that no useful purpose would be served in continuing with the prosecution of the petitioners. That apart, even the allegations in the FIR do not reveal the commission of any serious offence which could have the tendency of disturbing public order.

The petitioners have been identified by their counsel. The respondents No.2 to 7 have been identified by their counsel and SI Jitender Singh.

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. 520/2017 dated 27.10.2017 (P.S. Subhash Place) instituted for the offences under Sections 308, 323, 341, 452, 506, 427, 120B and 34 of the IPC and all the emanating proceedings therefrom are quashed.

ASHUTOSH KUMAR, J

NOVEMBER 20, 2017

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