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

+ **CRL.M.C. 4940/2017 CRL.M.A. 19620/2017**

RIZWAN AHMAD @ ADIL

..... Petitioner

Through

Mr. Javed Ahmad, Mr. Ahis Ahmad,
Mr. Inayat Ahmad, Advs.

versus

STATE & ORS.

..... Respondent

Through

Mr. Izhar Ahmad, APP for State with
SI Ashish, PS Bhajanpura.
Ms. Syed Marie Aijaz, Mr. Sarfaraz
Ahmad, Advs. for R2 & R3 with R2
& R3 in person.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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28.11.2017

CRL.M.A. 19620/2017

CRL.M.A. 19620/2017 is an application filed on behalf of the petitioner seeking exemption from filing certified copies of the charge sheet. The same is allowed, subject to just exceptions.

The application is disposed of.

CRL.M.C. 4940/2017

Vide the present petition the petitioner seeks quashing of the FIR No. 603/16, registered at PS Bhajanpura, under Sections 323/324/341/506 Indian Penal Code, 1860 lodged against him on the complaint of the respondents no. 2 Smt. Shobha Rani w/o Sh. Ravinder Parsad i.e. the complainant of the FIR No. 603/16, registered at PS Bhajanpura, under Sections 323/324/341/506 Indian Penal Code, 1860 submitting to the effect that the

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petitioner i.e. the accused Rizwan Ahmad s/o Sh. Basheer Ahmad and the respondents no. 2 Smt. Shobha Rani w/o Sh. Ravinder Parsad and the respondent no. 3 Sh. Ravinder Parsad s/o Late Sh. Ram Parsad are neighbours and have since arrived at an amicable settlement with the intervention of common friends and well wishers so that peace and harmony could be maintained between them.

The Investigating Officer SI Ashish, PS Bhajanpura, Delhi has identified the petitioner i.e. the accused Rizwan Ahmad s/o Sh. Basheer Ahmad, and the respondent no. 2 Smt. Shobha Rani w/o Sh. Ravinder Parsad i.e. the complainant of the FIR No. 603/16, registered at PS Bhajanpura, under Sections 323/324/341/506 Indian Penal Code, 1860 and the respondent no. 3 Sh. Ravinder Parsad s/o Late Sh. Ram Parsad.

The petitioner and the respondents no. 2 & 3 have produced their original Election Commission Identity Cards, photocopies of the petitioner and the respondents no. 2 & 3 are Ex.CW1/A, Ex.CW1/B & Ex.CW1/C respectively (original seen and returned).

The complainant of the FIR in question Smt. Shobha Rani w/o Sh. Ravinder Parsad has made her statement on oath as CW2 categorically submitting to the effect that her affidavit annexed to the petition Crl. Misc. (Main) No. 4940/2017 bears her signatures thereon at points-A & B on Ex.CW2/A and that she had signed the same voluntarily of her own accord without any duress or coercion from any quarter and that she has no opposition to the prayer made in the petition by the petitioner seeking quashing of the FIR No. 603/16, registered at PS Bhajanpura, under Sections 323/324/341/506 Indian Penal Code, 1860 and all proceedings emanating

therefrom in view of the settlement arrived at between her and the petitioner. *Inter alia*, the respondent no. 2 has testified to the effect that the petitioner and she are neighbours.

Learned APP for the State also in the circumstances of the case does not oppose the prayer made by the petitioner seeking quashing of the FIR No. 603/16, registered at PS Bhajanpura, under Sections 323/324/341/506 Indian Penal Code, 1860.

Taking into account the statement made by the respondent no. 2 Smt. Shobha Rani w/o Sh. Ravinder Parsad i.e. the complainant of the FIR No. 603/16, registered at PS Bhajanpura, under Sections 323/324/341/506 Indian Penal Code, 1860 to the effect that an amicable settlement has been arrived at between the parties with the intervention of common friends and well wishers so that peace and harmony could be maintained between them and also taking into account the factum that the petitioner is a young man, aged around 29 years and as there are no previous adverse antecedents against him in view of the observations in the verdict of the Hon'ble Supreme Court in *Gian Singh vs. State of Punjab & Another*, (2012) 10 SCC 303, to the effect : -

“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.]”

(emphasis supplied)

as the victim and the offender in the instant case have settled their disputes amicably despite the factum that the offence punishable under Section 324 Indian Penal Code, 1860 is not compoundable under Section 320 of the Cr.P.C., the same can also be quashed, as continuation of the proceedings in the instant case would be an exercise in futility in view of the

settlement, as justice demands that the dispute between the parties should be put to an end and peace is restored and thus it is considered appropriate in the interest of justice, that the prayer made by the petitioner seeking quashing of the FIR No. 603/16, registered at PS Bhajanpura, under Sections 323/324/341/506 Indian Penal Code, 1860 and all consequential proceedings emanating therefrom is allowed, which is thus accordingly allowed, and the FIR No. 603/16, registered at PS Bhajanpura, under Sections 323/324/341/506 Indian Penal Code, 1860 and all consequential proceedings emanating therefore are quashed.

The petition is disposed of.

ANU MALHOTRA, J

NOVEMBER 28, 2017/MK

