

\$~12

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

+ W.P.(CRL) 3064/2015

JAYANT SINGH & ORS

..... Petitioners

Through Mr. A.S. Chandhiok, Sr. Adv. with
Mr.J.P. Sengh & Mr. Mohit Mathur,
Sr. Adv. with Mr. Amritesh, Mr.
Chirag

versus

STATE & ANR

..... Respondents

Through Mr. Ashish Aggarwal, ASC with
Mr.Piyush Singhal, Adv. for State.
SI Kishore Prasad PS Greater
Kailash.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

%

24.05.2017

The petitioners have sought quashing of the FIR No.454/2014 dated 19.10.2014 (P.S. Greater Kailash) instituted for the offences under sections 147/149/186/353/332 of the IPC.

On 19.10.2014, a fight took place between the two sets of petitioners namely petitioner Nos.1 to 3 and petitioner Nos.4 to 6 over parking space in the local market. The petitioner Nos.1, 2 & 3 started fighting with the petitioner Nos.4, 5 & 6 which led to the registration of the two FIRs namely FIR No.455/2014 (P.S.Greater Kailash) instituted for the offences under Sections 147/149/323/341/506/379/356/427 IPC and FIR No.456/2014 (P.S.Greater Kailash) instituted for the offences under Sections

147/149/323/341/427/451 IPC.

The aforesaid two FIRs have been quashed by orders dated 28.03.2016 passed in W.P(Crl) No.3070/2015 and W.P(Crl) No.3069/2015 respectively.

Whilst the petitioners were fighting amongst themselves, the police officials also had to intervene to bring the situation under control. While doing so, as would appear from the narration in the FIR, the weapon of one of the police officials was touched whereas one police official was pushed inadvertently by one of the accused persons. This led to the registration of a separate subject FIR.

Learned counsel appearing for the petitioners has submitted that all the petitioners who were made accused in the subject FIR have joined hands in seeking the quashing of the subject FIR on the ground that there could have been no intention of anyone of the petitioners to have interfered with the functioning of the police officials. It was only a minor skirmish between the petitioner Nos.1, 2 and 3 on one side and petitioner Nos.4, 5 & 6 on the another side, even when both sets of the petitioners were known to each other for last several years and had warm and cordial relations between them. The petitioners, it has been submitted, have since thereafter stayed peacefully as good neighbours and have also repented and regretted that the police force had to be called for such a minor dispute.

Taking into account the aforesaid facts, this Court is of the view that the allegations levelled in the subject FIR were not intentional and cannot be attributed with the mischief of the attempt to prevent police officials from undertaking their duty. This Court has also taken into account the fact that the case and the cross case lodged by the petitioners against each other have

already been quashed.

Thus no useful purpose would be served in keeping the investigation of this case alive or the prosecution to be continued.

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.]

Thus, the inherent powers of the High Court, having a wide plenitude could be used for quashing the FIR for securing the ends of justice and to prevent the abuse of the process of the court.

For the reasons afore recorded, the FIR No. 454/2014 dated 19.10.2014 (P.S. Greater Kailash) instituted for the offences under sections 147/149/186/353/332 of the IPC and all the proceedings emanating therefrom are quashed.

Thus, the petition is disposed of in above mentioned terms.

ASHUTOSH KUMAR, J

MAY 24, 2017

k