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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of Decision: 03.04.2024

+ CRL.M.C. 2637/2024

SHYAM SINGH AND ANOTHER Petitioners

Through: Mr. Faiz Imam, Advocate.

versus

STATE OF N.C.T. OF DELHI AND OTHERS Respondents

Through: Ms. Meenakshi Dahiya, APP for State
with SI Amit Kumar, PS: OIA and
Respondent Nos. 2 and 3-in-person.**CORAM:****HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA**

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J U D G M E N T**ANOOP KUMAR MENDIRATTA, J (ORAL)****CRL.M.A. 10048/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 2637/2024

1. Petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioners for quashing of FIR No.0301/2019, under Sections 307/34 IPC registered at PS: Okhla Industrial Area and proceedings emanating therefrom. Chargesheet has been filed under Sections 307/201/34 IPC.
2. Issue notice. Learned APP for the State and respondent Nos.2 and 3 appear on advance notice and accept notice.
3. Learned counsel for the petitioners submits that without admission of allegations on merits, the matter has been amicably settled between the



parties and respondent No. 3 / injured has been compensated. Petitioners are further stated to be having clean past antecedents and are not involved in any other case.

4. On the other hand, learned APP for the State opposes the application and submits that several stab injuries were inflicted by the petitioners on the vital parts of the injured/respondent No.3 over minor issue. As per MLC, the injuries sustained by respondent No.3 are further stated to be grievous in nature.

5. It is well settled that powers under Section 482 Cr.P.C. for quashing of non-compoundable offences should not be exercised in cases involving heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc., as the same have serious impact on society and the Court should be slow in exercising the discretion under Section 482 Cr.P.C. in these proceedings.

The offence under Section 307 IPC is regarded as a heinous and serious offence as it is generally treated as crime against the society and not the individual alone. However, the Court is not required to rest its decision merely because Section 307 IPC is invoked in the FIR or charge but the Court may examine as to whether incorporation of Section 307 IPC is for the sake of it or if there is sufficient evidence to prove the same. The nature of injuries sustained, the part of body on which the injury is inflicted, nature of weapon used etc. along with medical report as to the nature of injuries suffered by the victim are the guiding factors. No doubt, the Court is also to consider whether the possibility of conviction is remote and bleak and may also look into if the settlement is likely to result in harmony between the parties to improve their future relationship. The stage of quashing also



remains relevant. Reliance in this regard may be placed upon ***Kapil Gupta v. State (NCT of Delhi) and Another, (2022) 15 SCC 44*** wherein the aforesaid principles quoted in ***Narinder Singh v. State of Punjab, (2014) 6 SCC 466*** were beneficially referred for quashing of proceedings under Section 376 IPC.

6. It may also be noticed that apparent conflict in observations in ***Narinder Singh v. State of Punjab, (2014) 6 SCC 466*** and ***State of Rajasthan v. Shambhu Kewat and Another, (2014) 4 SCC 149*** was considered by the Hon'ble Apex Court in ***The State of Madhya Pradesh v. Laxmi Narayan and Others, Crl.A.349/2019***, decided on 05.03.2019 and guiding principles for quashing are reiterated in para 13 as under :

“13. Considering the law on the point and the other decisions of this Court on the point, referred to hereinabove, it is observed and held as under:

i) that the power conferred under Section 482 of the Code to quash the criminal proceedings for the non-compoundable offences under Section 320 of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;

ii) such power is not to be exercised in those prosecutions which involved heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society;

iii) similarly, such power is not to be exercised for the offences under the special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender;

iv) offences under Section 307 IPC and the Arms Act etc. would fall in the category of heinous and serious offences and therefore are to be treated as crime against the society and not against the individual alone, and therefore, the criminal proceedings for the offence under



Section 307 IPC and/or the Arms Act etc. which have a serious impact on the society cannot be quashed in exercise of powers under Section 482 of the Code, on the ground that the parties have resolved their entire dispute amongst themselves. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to framing the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delegate parts of the body, nature of weapons used etc. However, such an exercise by the High Court would be permissible only after the evidence is collected after investigation and the charge sheet is filed/charge is framed and/or during the trial. Such exercise is not permissible when the matter is still under investigation. Therefore, the ultimate conclusion in paragraphs 29.6 and 29.7 of the decision of this Court in the case of Narinder Singh (supra) should be read harmoniously and to be read as a whole and in the circumstances stated hereinabove;

v) while exercising the power under Section 482 of the Code to quash the criminal proceedings in respect of non-compoundable offences, which are private in nature and do not have a serious impact on society, on the ground that there is a settlement/compromise between the victim and the offender, the High Court is required to consider the antecedents of the accused; the conduct of the accused, namely, whether the accused was absconding and why he was absconding, how he had managed with the complainant to enter into a compromise etc.”

7. In the present case, stab injuries were inflicted by the petitioners on the vital part of the body of respondent No.3 over a minor issue. Merely because respondent No.3 may have been compensated on settlement, may not be a sufficient ground for quashing the proceedings.

It needs to be kept in perspective that criminal law is designed for achieving social control and regulate the conduct of the individuals within the society. Crime cannot be said to be wiped off merely because of payment of compensation. The object also remains that serious offences



should not be repeated by the offenders and the settlement does not further encourage the criminal acts or endangers the welfare of the society at large.

Petition is accordingly dismissed. Pending applications, if any, also stand disposed of.

A copy of this judgment be forwarded to the learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J.

APRIL 03, 2024/R/sd