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

+ **W.P.(CRL) 1316/2024**

SURENDER SINGH

..... Petitioner

Through: Mr. Sandeep Kumar and Mr. Rajat Drall, Advocates along with Petitioner in person
versus

STATE GOVT NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Sanjay Lao, Standing Counsel for State with Insp. Ram Pratap and SI Deepak Tanwar, PS: Delhi Cantt.
Respondent No.2 in person.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

30.04.2024

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1. This petition has been filed on behalf of the Petitioner under Article 226 of the Constitution of India read with Section 482 Cr.P.C. for quashing of FIR No. 141/2013 dated 03.05.2013 under Sections 295A/323/451 IPC registered at PS: Delhi Cantt. along with proceedings emanating therefrom.
2. Case of the prosecution is that a complaint was received from the Complainant on 03.05.2013 alleging that his neighbour Surender Singh, who also lives in Gurudwara had come to his house on 02.05.2013 at around 10:30 PM under influence of alcohol and had abused and hit him with a bat. He also raised his hand on Complainant's mother Gulminder Kaur and threatened to remove the pillars in the chaupal so that his car could be parked there. As per the FIR, on receiving DD No. 44A, Police reached the spot on 02.05.2013 and interrogation at the place of occurrence revealed that a fight had taken place over parking of a vehicle at the chaupal in front of the Gurudwara and injured had been taken to DDU Hospital. Complainant



Jasbir had suffered injury on his nose and an abrasion of the RT Plam Tenderness MLC was prepared. On receiving the complaint on 03.05.2013, *Rukka* was prepared under Sections 451/323/295A IPC and later the present FIR was registered.

3. It is stated in the petition that during the pendency of the proceedings, with the intervention of family members and well-wishers disputes and differences between the Petitioner and Complainant have been amicably settled and Settlement Deed was executed on 01.10.2023 copy of which is placed on record.

4. Issue notice.

5. Learned Standing Counsel accepts notice on behalf of the State.

6. Petitioner and Respondent No.2 are present in Court and are identified by Investigating Officer Insp. Ram Pratap, PS: Delhi Cantt. Respondent No.2 states that he has settled all the disputes and has no objection to the quashing of the FIR so that so that peace and harmony is maintained with the Petitioner, who is his immediate neighbour. Learned Standing Counsel submits that State has no objection to the quashing of the FIR, however, the FIR was lodged in 2013, charge sheet has been filed and State and Police machinery has been used by the parties for over a decade and therefore, Petitioner be put to terms, if the Court is inclined to quash the FIR.

7. The Supreme Court in ***Gian Singh v. State of Punjab and Another, (2012) 10 SCC 303***, observed that while exercising inherent powers under Section 482 Cr.P.C. in respect of quashing of an FIR where parties have entered into amicable resolution of the disputes, one of the considerations would be whether it would be unfair or contrary to the interest of justice to continue the criminal proceedings despite the compromise and if the answer



to the question is in the affirmative, the High Court would be well within its jurisdiction to quash the criminal proceedings, in order to ensure that the disputes are put to an end and peace is restored as securing the ends of justice is the ultimate guiding factor. This was of-course with a caveat that heinous and serious offences of mental depravity or offences like murder, dacoity etc. cannot be fittingly quashed even though the victim or the victim's family settles the disputes with the offender. Relevant paragraphs of the judgment are as follows:-

“55. In the very nature of its constitution, it is the judicial obligation of the High Court to undo a wrong in course of administration of justice or to prevent continuation of unnecessary judicial process. This is founded on the legal maxim quando lex aliquid alicui concedit, conceditur et id sine qua res ipsa esse non potest. The full import of which is whenever anything is authorised, and especially if, as a matter of duty, required to be done by law, it is found impossible to do that thing unless something else not authorised in express terms be also done, may also be done, then that something else will be supplied by necessary intendment. Ex debito justitiae is inbuilt in such exercise; the whole idea is to do real, complete and substantial justice for which it exists. The power possessed by the High Court under Section 482 of the Code is of wide amplitude but requires exercise with great caution and circumspection.

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58. Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. 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.

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61. *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 FIR may be exercised where the offender and the 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 a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the 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 predominately civil flavour stand on a 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, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the 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 the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

8. In view of the observations of the Supreme Court in the aforementioned judgment, this Court finds no impediment in quashing the present FIR as the parties have amicably resolved their disputes. Since complainant categorically states that he does not wish to pursue the criminal proceedings, chances of conviction are bleak and no purpose will be achieved even otherwise in continuing the proceedings. It would be in the interest of justice and to maintain peace and harmony between the parties to quash the present FIR.

9. Accordingly, FIR No. 141/2013 dated 03.05.2013 under Sections 295A/323/451 IPC registered at PS: Delhi Cantt. is quashed including proceedings emanating therefrom, subject to payment of costs of Rs.10,000/- in the Gurudwara within eight weeks from today. Proof of payment shall be filed in Court within one week thereafter, failing which Registry will list the matter before the Court.

10. Petition stands disposed of in the aforesaid terms.

JYOTI SINGH, J

APRIL 30, 2024/kks