

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

+ CRL.M.C. No. 2375/2007

% Judgment reserved on: 25th November, 2011
Judgment delivered on: 17th February, 2012

**ABHIPRA COMMODITY CONSULTANTS
P.LTD. & ORS**

..... Petitioners

Through : Mr.Arun Bhardwaj, Senior Advocate
with Mr.Rahul Gupta, Mr.S. Tabrez and
Mr.Shekhar Gupta, Advs.

versus

**GOVT. OF NCT OF DELHI
& ANR**

..... Respondents

Through : Ms.Rajdipa Behura, APP for State with
SI S. K. Jha in person.
Ms.Mugdha Pandey, Adv for R-2.
Mr.Brajesh K Srivastava & Mr.Dinesh Kumar,
Adv for proposed respondents.

**CORAM:
HON'BLE MR. JUSTICE SURESH KAIT**

SURESH KAIT, J.

1. Vide order dated 03.11.2011, this court has passed the following order:-

1. Mr. Arun Bhardwaj, Sr. Advocate appearing on behalf of the petitioners submits that the petitioner No.1 is a Company duly registered under the Companies Act, 1956 and petitioners No.2 and 3 are the Managing Director and Director of the petitioner No.1 respectively. Since the year 2006, respondent no.2 had been doing transactions through the petitioner No.1 at the registered office at GF-1, Abhipra Complex, Dilkhush Commercial Complex, A-387, G.T. Karnal Road, Delhi and also a member of NCDEX, NMCE and

MCX.

2. In the year 2006, some differences arose between petitioner No.1 and respondent No.2 in relation to some transactions carried at the aforesaid Exchanges. Consequently, in 2006 respondent No.1 preferred a claim before Arbitration Department of the National Commodity and Derivatives Exchange Ltd. Thereafter, as per its bye-laws and regulations, NCDEX appointed Shri Ajant Kumar as Sole Arbitrator to decide the dispute.

3. Learned Senior Counsel for the petitioners further submits that on 3.10.2006, the learned Sole Arbitrator commenced the arbitration proceedings in arbitration case No.NCDEX/29/2006 and on 22.1.2007 passed an arbitration award of Rs.10,39,380.56p in favour of respondent No.2.

4. On 16.4.2007 respondent No.2 made a written complaint to the police against the petitioners requesting therein to register a case for forgery, cheating and criminal breach of trust. On the same day, the police registered FIR No.155/2007 under Sections 420/409/467/468/471/477A/120B at PS Lahori Gate against the petitioners. Subsequently, the investigation was handed over to EOW. However, no charge sheet in respect of the said FIR has been filed by the police till date.

5. Learned Senior Counsel further submits that on 19.4.2007 the petitioners challenged the arbitration award dated 22.1.2007 in OMP No.203/2007 before this Court wherein vide order dated 20.4.2007 this Court issued notice to respondent No.2 for 17th August, 2007.

6. Thereafter, on 26.5.2007 the petitioners have amicably settled/compromised their all disputes/claims whatsoever with respondent No.2 and the petitioners No.1 had paid a sum of Rs.7,00,000/- towards full and final settlement of all claims through the demand draft before the Court of Id.ACMM, Tis Hazari Courts, Delhi. The respondent No.2 accepted the same without any protest. The Memorandum of Understanding dated 26.5.2007 was duly signed and executed by and between the petitioners and respondent No.2.

7. Mr. Bhardwaj further submits, in addition to that, respondent No.2 filed an affidavit dated 18.4.2011, wherein he clearly stated that he had compromised and settled all his disputes and monitory

claims against the petitioners vide Memorandum of Understanding dated 26.5.2007 signed between the parties. It is further stated that he had received a total sum of Rs. 7,00,000/- from the petitioners in full and final settlement of all his disputes and claims against the petitioners, duly accepted by him in proceedings dated 23.5.3007 before the Court of learned ACMM, Delhi. It is further stated that the parties have withdrawn all the legal proceedings filed and pending between them.

8. *Mr. Ankur Goel, Advocate is present on behalf of respondent No.2 and submits that he has settled all the issues in the aforesaid FIR and if the FIR is quashed he has no objection.*

9. *Mr. Manoj Yadav, Proxy Counsel for the main Counsel, Mr.Brajesh K. Srivastava submits that he has moved an application being Crl.M.A. No.2843/2009 under Section 482 Cr.P.C. for impleadment of Satish Kumar Jain, Deepak Gupta, Yogesh Kumar, Anand Kumar, Gopal Krishna Jindal and Pranav Gupta. In the said application notice was issued on 8.4.2010 and directed to file the reply within three weeks. It is stated in the application that apart from the present FIR No.155/2007 on similar allegations, other four FIRs were also registered against them. Details of some are as under:-*

1. FIR No.12 dated 18.1.2008 Distt: C&R, PS: Economic Offence Wing under Sections 420/409/467/468/471/477A/120B of IPC involving about Rs.35,00,000/- (Thirty five lacs) by applicant/complainant Sh. Satish Kumar Jain.

2. FIR No.13 dated 18.1.2008 Distt: C&R, PS: Economic Offence Wing under Sections 420/409/467/468/471/477A/120B of IPC involving about Rs.3,00,00,000/- (Three Crore) by applicant/complainant Sh. Deepak Gupta.

3. FIR No.829 dt. 3.12.2006, Distt: North West Delhi PS: K.W. Camp/Model Town under Sections 406/420/409/506/120B/34 IPC involving about Rs.27,78,692/- (Twenty seven lacs seventy eight thousand nine hundred and sixty two) by applicant/complainant Sh. Yogesh Kumar. The matter has been transferred to

Economic Offence Wing. Petitioners are indulging in falsehood. Sh. Yogesh Kumar has not settled the matter with the petitioners till date.

4. FIR No.825 dated 2.12.2006 Ditt: North West Delhi PS: Model Town under Sections 06/420/409/506/120B/34 IPC involving about Rs.32,44,505/- (Thirty two lacs forty four thousand five hundred and five) by applicant/complainant Sh. Anand Kumar.

10. The petitioners filed reply to the said application, wherein it is stated that the applicants have no locus standi to file the present application inasmuch as according to Section 24 Cr.P.C. Public Prosecutor is only empowered to prosecute the case on behalf of State Government. The respondent No.2, who is the only complainant in the present FIR, has settled his disputes (which is purely civil in nature) amicably with petitioners and has entered into a compromise/MOU.

11. Further, it is stated that the applicants have filed the present application in abuse of process of law and such type of application is not maintainable in these proceedings. The said applicants have filed rejoinder thereto and affirm the contents as in the application.

2. Ld. Counsel for petitioners has referred the terms of settlement in the Memo of Understanding dated 26.05.2007 wherein it is recorded that:

“That a sum of Rs.7 lacs has been agreed to be paid to the first party by way of pay Order / Bank Draft towards full and final settlement leaving no matter / dispute unsettled between the first party and the second party.

That the first party has agreed to accept Rs.7 lacs towards full and final settlement against the transaction held between him and the second party and now he has no dispute / claim against the second party.

That the first party has no right to enforce the award dt. 22.01.2007 against the second party and the arbitration award shall stand satisfied.

That the second party may file a petition / application u/s 482

Cr.P.C. for quashing the FIR no. 155/2007 before Hon'ble High Court of Delhi at New Delhi to which the first party has agreed to give no objection for getting the FIR quashed.

3. Ld. Counsel for the petitioners further submitted that in the year 2006 matter was referred to Sole Arbitrator and vide award dated 22.01.2007 it was passed in favour of respondent no. 2 for Rs.10,39,000/- only thereafter on 16.04.2007, FIR no. 155/2007 was registered at PS-Lahori Gate , which was subsequently transferred to Economic Offences Wing. Immediately lodging the FIR on 26.05.2007, all the issues were settled with the complainant and Rs.7 lac was given by DD. An affidavit to this effect was also filed by respondent no. 2.

4. It is further submitted that the dispute between the parties was totally civil in nature, therefore, the same was initially referred to Arbitration and the Award was passed, accordingly the entire amount was paid to respondent no. 2 / complainant. Even otherwise, the Client Registration Form was signed on each and every page by the respondent no. 2 and the petitioner. If there was any violation of the said Client Registration Form, then respondent was supposed to file a recovery suit. The dispute between petitioner and respondent no. 2 was purely of civil nature and lodging the FIR against the petitioner is totally abuse of the process of law and has referred the principles laid down by Apex Court in **Bhajan Lal vs. State of Haryana** as under:-

(a) where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused;

(b) where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code;

(c) where the uncontroverted allegations made in the FIR or 'complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused;

(d) where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code;

(e) where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused;

(f) where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party;

(g) where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

5. Ld. Counsel for the petitioner has also relied upon recent case of **Shiji @ Pappu and Ors. Vs. Radhika and Anr., Crl.Appeal No. 2094 of 2011 of Hon'ble Supreme Court** wherein it is held as under:

1. This Court has, in several decisions, declared that offences under Section 320 Cr.P.C. which are not compoundable with or without the permission of the Court cannot be allowed to be compounded. In Ram Lal and Anr. v. State of J & K (1999) 2 SCC 213, this Court referred to Section 320(9) of the Cr.P.C. to declare that such offences as are made compoundable under Section 320 can alone be compounded and none else. This Court declared two earlier decisions rendered in [Y. Suresh Babu v. State of Andhra Pradesh, JT](#) (1987) 2 SC 361 and Mahesh Chand v. State of Rajasthan, 1990 Supp. SCC 681, to be per incuriam in as much as the same permitted composition of offences not otherwise compoundable under Section 320 of the Cr.P.C. What is important, however, is that in Ram Lal's case (supra) the parties had settled the dispute among themselves after the appellants stood convicted under Section 326 IPC. The mutual settlement was then sought to be made a basis for compounding of the offence in appeal arising out of the order of conviction and sentence imposed upon the accused. This Court observed that since the offence was non- compoundable, the court could not permit the same to be compounded, in the teeth of Section 320. Even so, the compromise was taken as an extenuating circumstance which the court took into consideration to reduce the punishment awarded to the appellant to the period already undergone. To the same effect is the decision of this Court in [Ishwar Singh v. State of Madhya Pradesh](#) (2008) 15 SCC 667; where this Court said:

In our considered opinion, it would not be appropriate to order compounding of an offence not compoundable under the Code ignoring and keeping aside statutory provisions. In our judgment, however, limited submission of the learned counsel for the appellant deserves consideration that while imposing substantive sentence, the factum of compromise between the parties is indeed a relevant circumstance which the Court may keep in mind.

2. [In Madhavrao Jiwajirao Scindia and Ors. v. Sambhajirao Chandrojirao Angre and Ors.](#) (1988) 1 SCC 692, this Court held that the High Court should take into account any special features which appear in a particular case to consider whether it is expedient and in the interest of justice to permit a prosecution to continue or quash the prosecution where in its opinion the chances of an ultimate conviction are bleak. This Court observed:

The legal position is well settled that when a prosecution at the initial stage is asked to be quashed, the test to be applied by the court is as to whether the uncontroverted allegations as made prima facie establish the offence. It is also for the court to take into consideration any special features which appear in a particular case to consider whether it is expedient and in the interest of justice to permit a prosecution to continue. This is so on the basis that the court cannot be utilised for any oblique purpose and where in the opinion of the court chances of an ultimate conviction are bleak and, therefore, no useful purpose is likely to be served by allowing a criminal prosecution to continue, the court may while taking into consideration the special facts of a case also quash the proceeding even though it may be at a preliminary stage.

3. [In B.S Joshi and Ors. v. State of Haryana](#), (2003) 4 SCC 675, the question that fell for consideration before this Court was whether the inherent powers vested in the High Court under Section 482 Cr.P.C. could be exercised to quash non-compoundable offences. The High Court had, in that case relying upon the decision of this Court in [Madhu Limaye v. The State of Maharashtra](#), (1977) 4 SC 551, held that since offences under Sections 498-A and 406 IPC were not compoundable, it was not permissible in law to quash the FIR on the ground that there has been a settlement between the parties. This Court declared that the decisions in Madhu Limaye's case (supra) had been misread and misapplied by the High Court and that the judgment

of this Court in Madhu Limaye's case (supra) clearly supported the view that nothing contained in Section 320(2) can limit or affect the exercise of inherent power of the High Court if interference by the High Court was considered necessary for the parties to secure the ends of justice. This Court observed:

It is, thus, clear that Madhu Limaye case (1977) 4 SC 551 does not lay down any general proposition limiting power of quashing the criminal proceedings or FIR or complaint as vested in Section 482 of the Code or extraordinary power under Article 226 of the Constitution of India. We are, therefore, of the view that if for the purpose of securing the ends of justice, quashing of FIR becomes necessary, Section 320 would not be a bar to the exercise of power of quashing. It is, however, a different matter depending upon the facts and circumstances of each case whether to exercise or not such a power.

In view of the above discussion, we hold that the High Court in exercise of its inherent powers can quash criminal proceedings or FIR or complaint and Section 320 of the Code does not limit or affect the powers under Section 482 of the Code.

4. To the same effect is the decision of this Court in Nikhil Merchant v. CBI 2008(9) SCC 677 where relying upon the decision in B.S. Joshi (supra), this Court took note of the settlement arrived at between the parties and quashed the criminal proceedings for offences punishable under Sections 420, 467, 468 and 471 read with Section 120-B of IPC and held that since the criminal proceedings had the overtone of a civil dispute which had been amicably settled between the parties it was a fit case where technicality should not be allowed to stand in the way of quashing of the criminal proceedings since the continuance of the same after the compromise arrived at between the parties would be a futile exercise. We may also at this

stage refer to the decision of this Court in Manoj Sharma v. State and Ors. (2008) 16 SCC 1. This court observed:

In our view, the High Court's refusal to exercise its jurisdiction under Article 226 of the Constitution for quashing the criminal proceedings cannot be supported. The first information report, which had been lodged by the complainant indicates a dispute between the complainant and the accused which is of a private nature. It is no doubt true that the first information report was the basis of the investigation by the police authorities, but the dispute between the parties remained one of a personal nature. Once the complainant decided not to pursue the matter further, the High Court could have taken a more pragmatic view of the matter.

As we have indicated hereinbefore, the exercise of power under Section 482 CrPC of Article 226 of the Constitution is discretionary to be exercised in the facts of each case. In the facts of this case we are of the view that continuing with the criminal proceedings would be an exercise in futility.....

5. It is manifest that simply because an offence is not compoundable under Section 320 IPC is by itself no reason for the High Court to refuse exercise of its power under Section 482 Cr.P.C. That power can in our opinion be exercised in cases where there is no chance of recording a conviction against the accused and the entire exercise of a trial is destined to be an exercise in futility. There is a subtle distinction between compounding of offences by the parties before the trial Court or in appeal on one hand and the exercise of power by the High Court to quash the prosecution under Section 482 Cr.P.C. on the other. While a Court trying an accused or hearing an appeal against conviction, may not be competent to permit compounding of an offence based on a settlement arrived at between

the parties in cases where the offences are not compoundable under Section 320, the High Court may quash the prosecution even in cases where the offences with which the accused stand charged are non-compoundable. The inherent powers of the High Court under Section 482 Cr.P.C. are not for that purpose controlled by Section 320 Cr.P.C. Having said so, we must hasten to add that the plenitude of the power under Section 482 Cr.P.C. by itself, makes it obligatory for the High Court to exercise the same with utmost care and caution. The width and the nature of the power itself demands that its exercise is sparing and only in cases where the High Court is, for reasons to be recorded, of the clear view that continuance of the prosecution would be nothing but an abuse of the process of law. It is neither necessary nor proper for us to enumerate the situations in which the exercise of power under Section 482 may be justified. All that we need to say is that the exercise of power must be for securing the ends of justice and only in cases where refusal to exercise that power may result in the abuse of the process of law. The High court may be justified in declining interference if it is called upon to appreciate evidence for it cannot assume the role of an appellate court while dealing with a petition under Section 482 of the Criminal Procedure Code. Subject to the above, the High Court will have to consider the facts and circumstances of each case to determine whether it is a fit case in which the inherent powers may be invoked.

6. *Coming to the case at hand we are of the view that the incident in question had its genesis in a dispute relating to the access to the two plots which are adjacent to each other. It was not a case of broad day light robbery for gain. It was a case which has its origin in the civil dispute between the parties, which dispute has, it appears, been resolved by them. That being so, continuance of the prosecution where the complainant is not ready to support the allegations which are now described by her as arising out of some “misunderstanding and misconception”; will be a futile exercise that will serve no purpose. It is noteworthy that the two alleged eye witnesses, who are closely related to the complainant, are also no longer supportive of the prosecution version. The continuance of the proceedings is thus*

nothing but an empty formality. Section 482 Cr.P.C. could, in such circumstances, be justifiably invoked by the High Court to prevent abuse of the process of law and thereby preventing a wasteful exercise by the Courts below.

6. Ld. APP of the State has opposed the instant petition that the FIR cannot be quashed and has relied upon **State of UP vs. O.P. Sharma Crl. Appeal no. 190 of 2008 of Hon'ble Supreme Court**, wherein it is held as under:-

1. *The question then is: whether the High Court is right in its exercise of inherent power under Section 482 Cr.P.C.? This Court in [State of Himachal Pradesh v. Pirthi](#) i & Anr. [Crl. A. 1752 of 1995] decided on November 30, 1995 held as under:*

"It is thus settled law that the exercise of inherent power of the High Court is an exceptional one. Great care should be taken by the High Court before embarking to scrutinize the FIR/charge- sheet/complaint. In deciding whether the case is rarest of rare cases to scuttle the prosecution in its inception, it first has to get into the grip of the matter whether the allegations constitute the offence. It must be remembered that FIR is only an initiation to move the machinery and to investigate into cognizable offence. After the investigation is conducted and the charge-sheet is laid the prosecution produces the statements of the witnesses recorded under Section 161 of the Code in support of the charge-sheet. At that stage it is not the function of the Court to weigh the pros and cons of the prosecution case or to consider necessity of strict compliance of the provisions which are considered mandatory and its effect of non-compliance. It would be done after the trial is concluded. The Court has to prima facie consider from the averments in the charge-sheet and the statements of witnesses on the record in support thereof whether court could take

cognizance of the offence, on that evidence and proceed further with the trial. If it reaches a conclusion that no cognisable offence is made out no further act could be done except to quash the charge sheet. But only in exceptional cases, i.e. in rarest of rare cases of mala fide initiation of the proceedings to wreak private vengeance process of criminal is availed of in laying a complaint or FIR itself does not disclose at all any cognisable offence - the court may embark upon the consideration thereof and exercise the power.

When the remedy under Section 482 is available, the High Court would be loath and circumspect to exercise its extraordinary power under Article 226 since efficacious remedy under Section 482 of the Code is available. When the Court exercises its inherent power under Section 482 the prime consideration should only be whether the exercise of the power would advance the cause of justice or it would be an abuse of the process of the court. When investigating officer spends considerable time to collect the evidence and places the charge- sheet before the Court, further action should not be short- circuited by resorting to exercise inherent power to quash the charge- sheet. The social stability and order requires to be regulated by proceeding against the offender as it is an offence against the society as a whole. This cardinal principle should always be kept in mind before embarking upon exercising inherent power. The accused involved in an economic offence destabilises the economy and causes grave incursion on the economic planning of the Stats. When the legislature entrusts the power to the police officer to prevent organized commission of the offence or offences involving moral turpitude or crimes of grave nature and are entrusted with power to investigate into the crime in intractable terrains

and secretive manner in concert, greater circumspection and care and caution should be born in mind by the High Court when it exercises its inherent power. Otherwise, the social order and security would be put in jeopardy and to grave risk. The accused will have field day in establishing the economy of the State regulated under the relevant provisions.

7. Ld. APP has further relied upon **Inspector of Police, CBI vs. B.Raja Gopal & ors. JT 2002 (2) SC 331**, wherein it is held as under:-

When a trial was in progress and reached almost the penultimate stage, the High Court stepped in and quashed the criminal proceedings. The aggrieved state has come up with this appeal. The case involved offences under Sections 420, 468 and 471 IPC etc., on the allegation that Canara Bank was defrauded. One of the premise adopted by the High Court was that there was a compromise between the bank officials and the accused and the disputed amount found due from the accused had been paid later. Even assuming that the said stand of the accused is correct, that was not enough for quashing the criminal proceedings, perhaps that would have been a ground for pleading mitigation at the final stage.

8. Ld. APP further relied upon **Rashmi Aggarwal vs. Central Bureau of Investigation 122 (2005) Delhi Law Times 62** wherein it is held as under:

In my opinion, if the FIR or the order on charge is quashed on the ground of a compromise, it will lay down a very bad precedence for then it will be an open invitation for people to conspire to cheat with immunity. Anybody would be tempted to commit similar offence for they would know that they could escape prosecution and punishment if they could settle the civil dispute.

9. Mr. Arun Bhardwaj, Sr. Advocate appeared on behalf of the petitioners

submitted that Id. APP has argued the case as the instant petition has been filed for quashing of the FIR on the basis of the matter has been compounded by the parties. Whereas case of the petitioners is that since the transactions were of civil nature and initially dispute between the parties was referred to Arbitrator and an Award was passed, only thereafter respondent no. 2 filed a complaint case against the petitioners, which culminated into the FIR in question, therefore the petitioners are not seeking that the matter to be compounded, however, are seeking to quash the FIR as in the instant case, as respondent no.2 has abused the judicial process by filing the complaint.

10. After hearing both the parties, it is not in dispute that differences arose between petitioner no. 1 and respondent no. 2 in the year 2006, in relation to some transactions carried at the aforesaid exchanges. Consequently in the year 2006 respondent no. 1 preferred a claim before Arbitration Department of the National Commodity and Derivates Exchange Ltd. Thereafter, as per its bye-laws and regulations, NCDEX appointed Sh. Ajay Kumar as sole Arbitrator to decide the dispute. Id. Sole Arbitrator passed an Arbitration Award of Rs.10,39,380.96.P. in favour of respondent no. 2.

11. I note, only thereafter on 16.04.2007, respondent no. 2 made a written complaint to the Police against the petitioners which was culminated into the FIR on the same day at Police Station – Lahori Gate, Delhi as referred above.

12. I further note that immediately thereafter on 26.05.2007, petitioners had paid a sum of Rs.7 Lac towards full and final settlement of all claims to respondent no.2 through Demand Draft before the Court of Id. ACMM, Tis Hazari Courts, Delhi. Respondent no.2 had accepted the same without any

protest.

13. Mr. Ankur Goel, Adv. who appeared on behalf of respondent no. 2 has also submitted that his client has settled all the issues in the aforesaid FIR and if the FIR is quashed, he has no objection.

14. The principles laid down by the Apex Court in *Bhajan Lal (Supra)* is that where the allegations made in the FIR or in complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceedings against the accused.

15. I am conscious as observed in a case of *Shiji @ Pappu (Supra)* that the High Court may be justified in declining interference if it is called upon to appreciate evidence for it cannot assume the role of an appellate court while dealing with the petition under Section 482 Cr.P.C. Subject to the above, the High Court will have to consider the facts and circumstances of each case to determine whether it is a fit case in which inherent powers may be invoked.

16. When the remedy under Section 482 Cr.P.C. is available, the High Court would be loath and circumspect to exercise its extraordinary power under Article 226 since efficacious remedy under Section 482 of the code is available. When the court exercise its inherent powers under Section 482 Cr.P.C, the prime consideration should only be whether the exercise of the power would advance the cause of justice or it would be an abuse of process of the court.

17. In the present case as discussed above, I am of the considered opinion, the disputes between the petitioners and respondents are of civil nature.

18. Therefore, FIR no. 155/2007 registered at PS-Lahori Gate is quashed

with emanating proceedings thereto.

19. No order as to costs.

Crl.M.A. No.2843/2009

The instant application is being filed under Section 482 of the Cr.P.C. for impleadment of Satish Kumar Jain, Deepak Gupta, Yogesh Kumar, Anand Kumar, Gopal Krishna Jindal and Pranav Gupta. In the said application notice was issued on 8.4.2010. In the application it is stated that apart from the present FIR No.155/2007 on similar allegations, other four FIRs were also registered against the petitioners.

The petitioners filed reply to the aforesaid application, wherein it is stated that the applicants have no locus standi to file the present application inasmuch as according to Section 24 Cr.P.C. Public Prosecutor is only empowered to prosecute the case on behalf of State Government. The respondent No.2, who is the only complainant in the present FIR, which has been settled being purely civil in nature amicably with petitioners and has entered into a compromise/MOU.

I note, the applicants are neither the complainants in the instant case nor the aforesaid FIRs are before this Court for adjudication. Therefore, the instant application cannot be allowed.

In view of the above, the instant application is dismissed as being without merit.

In view of above, all the pending applications are disposed of being infructuous.

SURESH KAIT, J

FEBRUARY 17, 2012

Jg/RS