

3

\$~1 & 2

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 2513/2013 & CrI.M.A. 9748/2013

ANIL HADA

..... Petitioner

Through: Mr. Munish Malhotra and Mr. O.P. Sharma, Advocates

versus

STATE & ORS.

.....Respondents

Through: Mr. Mukesh Gupta, Additional Public Prosecutor for respondent-State with SI Abhishek Kumar Singh
Ms. Urvi Kuthiala, Advocate with Mr. Ravinder Kumar, Assistant Director for DDA-respondent No.2

+ CRL.M.C. 2514/2013 & CrI.M.A.9750/2013

GAUTAM HADA

..... Petitioner

Through: Mr. Munish Malhotra and Mr. O.P. Sharma, Advocates

versus

STATE & ORS.

.....Respondents

Through: Mr. Mukesh Gupta, Additional Public Prosecutor for respondent-State with SI Abhishek Kumar Singh
Ms. Urvi Kuthiala, Advocate with Mr. Ravinder Kumar, Assistant Director for DDA-respondent No.2

4

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
30.07.2013

%

In the above captioned two petitions quashing of FIR No.247/1988, under Sections 420/468/471/120-B of the *IPC* registered at P.S.Kotla Mubarakpur, Delhi is sought on the ground that the 50% of the unearned increase alongwith interest as per the claim of respondent-DDA by the petitioner in this case which was to be paid in respect of plot No.A-159 and A-160 in New Friends Colony, New Delhi has been deposited and so, these two properties have been converted from leasehold to freehold and the conveyance deed has been already executed and so, no offence is made out.

Upon notice, Ms. Urvi Kuthiala, Advocate, appears on behalf of Mr. Rajesh Mahajan, counsel for Respondent-DDA, and submits that instructions from Mr. Ravinder Kumar, Assistant Director, DDA, that 50% of unearned increase alongwith interest as per the claim of respondent-DDA in respect of aforesaid subject plots has been already deposited by petitioners and conveyance deed in respect of leased properties has been executed.

In '*Gian Singh Vs. State of Punjab*' (2012) 10 SCC 303 Apex Court has recognized the need of amicable resolution of disputes in cases like the instant one, by observing as under:-

*"However, certain offences which overwhelmingly
and predominantly bear civil flavour having arisen out of
civil, mercantile, commercial, financial, partnership or*

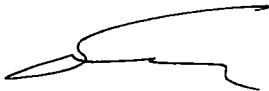
5

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."

Since the commercial dispute, which is the subject matter of FIR in question, no longer survives as petitioners have now paid 50% of unearned increase alongwith interest as per the claim of respondent-DDA, therefore, this Court finds that continuance of the proceedings arising out of the FIR in question *qua* petitioners would be an exercise in futility.

Consequently, these two petitions are allowed and FIR No.247/1988, under Sections 420/468/471/120-B of the *IPC* registered at P.S.Kotla Mubarakpur, Delhi and proceedings emanating therefrom are quashed *qua* petitioners *Anil Hada* and *Gautam Hada* only.

These two petitions and the applications are accordingly disposed of.


(SUNIL GAUR)
Judge

JULY 30, 2013

s