

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

Date of Decision: January 13, 2015

+ CRL.M.C. 3542/2013

RAMESHWAR YADAV & ANR. Petitioners

Through: Mr. Rohit Kumar Yadav,
Mr. Ankit Sibbal & Mr. Sparsh
Jain, Advocates

versus

STATE OF NCT OF DELHI & ORS. Respondents

Through: Mr. Vinod Diwakar, Additional
Public Prosecutor for respondent-
No.1-State with SI Raj Kumar
Mr. Anshul Garg, Mr. Gupta &
Mr. Abhishek Goyal, Advocates
for respondent No.2 with
Mr. Kuldeep Kumar Sharma

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

%

Quashing of FIR No. 132/2011, under Sections 420/468/471/34 of the IPC, registered at police station Vasant Kunj, New Delhi is sought on the basis of Compromise Deed of May, 2013.

Learned counsel for petitioners submits that the subject matter of this FIR is essentially a commercial dispute which stands amicably resolved between the parties. It is submitted by learned counsel for petitioners that in terms of settlement, objections filed to the closure

report in complaint No. 190/2011 would be promptly withdrawn by petitioner.

Mr. Vinod Diwakar, learned Additional Public Prosecutor for respondent No.1-State has placed on record status report and submits that trial of this case has not yet begun.

Upon notice, Mr. Kuldeep Kumar Sharma has appeared on behalf of respondent No.2-Association and has placed on record his authorization on the basis of which he affirms the factum of settlement with petitioners and submits that there is no forgery angle and the *bona fide* dispute between the parties regarding the passage now stands mutually and amicably resolved and the terms of Compromise Deed have been acted upon and so, proceedings arising out of FIR in question be brought to an end.

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 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.”

In the facts and circumstances of this case and on perusal of FIR of this case, status report wherein it is clearly stated that allegations of forgery are not substantiated and in view of the settlement reached between the parties, I find that continuance of proceedings arising out of FIR in question would be an exercise in futility.

Accordingly, this petition is allowed subject to cost of ₹40,000/- to be deposited by petitioners with the *Prime Minister's Relief Fund* within two weeks from today. Upon placing on record the receipt of cost, FIR No. 132/2011, under Sections 420/468/471/34 of the IPC, registered at police station Vasant Kunj, New Delhi and the proceedings emanating therefrom shall stand quashed *qua* petitioners.

(SUNIL GAUR)
JUDGE

JANUARY 13, 2015

r