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

*Date of Decision: August 13, 2015*

+ **CRL.M.C. 4435/2013 & CrI.M.A.15880/2013**

DR RAVI SHANKER GARG & ANR ..... Petitioners  
Through: Mr. Nipun Bhardwaj and Ms.  
Anjali Rajput Singh, Advocates

versus

STATE & ORS ..... Respondents  
Through: Ms. Manjeet Arya, Additional  
Public Prosecutor for respondent-  
State with SI Satish Dagar  
Mr. Rajesh Mahajan, Advocate for  
respondent No.3-DDA  
Respondent No.2 in person

**CORAM:**  
**HON'BLE MR. JUSTICE SUNIL GAUR**

**JUDGMENT**  
**(ORAL)**

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In this petition, quashing of FIR No.34/2002 under Sections 409/420/467/468/471/120-B/419/34 of IPC registered at P.S. Kotla Mubarak Pur, New Delhi is sought on the basis of *Compromise Deed* of 5<sup>th</sup> June, 2012 (*Annexure-B*).

Learned counsel for petitioners submits that petitioners are the *bona fide* purchasers of the property in question and the matter has been amicably compromised with respondent-complainant, therefore, the FIR in question and the proceedings arising therefrom be quashed qua

petitioners.

Learned counsel for respondent No.3-DDA opposes this petition on the ground that the allegations levelled against petitioners are of serious nature and so, the proceedings arising out of the FIR in question should continue in order to unearth the truth especially when the allegations of forgery are there against petitioners.

Learned Additional Public Prosecutor for respondent-State also opposes this petition and submits that petitioners had not made any efforts to get the property dealer traced from whom they had purportedly purchased the property in question, which controverts their claim of being *bona fide* purchaser of the property in question. As regards aforesaid *Compromise Deed* arrived at between petitioners and respondent-complainant, it is submitted by learned Additional Public Prosecutor for respondent-State that in view of the allegations of forgery against petitioners, the said *Compromise Deed* deserves to be discarded, particularly, when in this FIR case, public servants i.e. DDA officials, are involved. Thus, it is submitted that considering the gravity of the offences in question, this petition be dismissed. In support of above submissions, attention of this Court was drawn to the observations made by the Apex Court in '*Gian Singh Vs. State of Punjab & Anr.*' (2012) 10 SCC 303, which are as under:-

*“58. 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.”*

The afore-noted dictum stands reiterated by the Apex Court in a later decision in *Narinder Singh v. State of Punjab* (2014) 6 SCC 466. The pertinent observations of the Apex Court in *Narinder Singh (supra)* are as under:-

*“29. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:*

*XXXXXXX*

*29.2. When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:*

*(i) ends of justice, or*

*(ii) to prevent abuse of the process of any court.*

*While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.*

*29.3. Such a power is not to be exercised in those prosecutions which involve 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. Similarly, for the offences alleged to have been committed under special statute like the 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”*

Upon hearing learned counsel for petitioners and respondent No.3-

DDA as well as learned Additional Public Prosecutor for respondent-State and on perusal of the status report filed, I find that the offences alleged to have been committed by petitioners are of such a nature which dissuades this Court to exercise its inherent extraordinary powers under Section 482 of Cr.P.C. to quash the FIR in question. Such a view is taken as the failure on part of petitioners to get the property dealer traced from whom they had purchased the property in question also runs counter to petitioners' claim of their being *bona fide* purchaser.

In offences involving moral turpitude under the Special Statutes like *the Prevention of Corruption Act* or the offences committed by public servants while discharging their official duty, the Settlement between the parties has no legal sanction. In the instant case, the alleged complicity of petitioners and the public servants in the commission of offences in question makes the offences more grave and so, the aforesaid *Compromise Deed* between petitioners and respondent-complainant is bereft of any legal sanction.

Applying the dictum of Apex Court in *Gian Singh (supra)* and *Narinder Singh (supra)* to facts of the instant case, this petition and the application are dismissed while not commenting upon merits of this case lest it may prejudice petitioners at trial.

**(SUNIL GAUR)**  
**JUDGE**

**AUGUST 13, 2015**

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