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

Date of Decision: January 07, 2015

+ CRL.M.C. 4997/2014

DEEPAK RUPANI & ANRPetitioners
Through: Mr.Fanish K. Jain, Advocate

versus

STATE & ANRRespondents
Through: Mr.Navin Sharma, Additional
Public Prosecutor for respondent-
State with SI Antriksha Alok
Mr. Vikas B. Pakhiddey, Advocate
with respondent No.2 in person

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

This is a petition under Section 482 of Cr.P.C. for quashing of FIR No.26/2010 under Sections 420/427/447/468/471/506/120-B/511 of IPC registered at P.S. Swaroop Nagar, Delhi.

Upon notice, Mr. Vikas B. Pakhiddey, Advocate, appears and submits that respondent No.2, present in the Court, is the wife of complainant/first-informant of the FIR in question. Respondent No.2, present in the Court, has been identified to be so by SI Antriksha Alok on the basis of identity proof furnished by her and it is submitted by SI Antriksha Alok that complainant/first-informant of the FIR in question i.e. husband of respondent No.2 has expired.

Learned Additional Public Prosecutor for State submits that the charge-sheet in this FIR case has been filed for the offences under Section 420/427/447/506/120-B/511 of IPC.

Quashing of the aforesaid FIR is sought on the basis of the *Mediated Settlement* of 26th July, 2014 (*Annexure P-4*) and affidavit of 5th November, 2014 of respondent No.2.

Respondent No.2 submits that the *Mediated Settlement* has been acted upon and affirms the contents of her affidavit and also submits that the entire dispute between the parties now stands settled and there was no forgery angle in respect of the transaction in question and so, the proceedings arising out of the 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 view of the facts and circumstances of this case and the *Mediated Settlement*, which is duly supported by affidavit of respondent No.2, I find that since the subject matter of this FIR is a commercial dispute, which now stands mutually and amicably settled between parties and there was no angle of forgery, therefore, continuance of proceedings arising out of the FIR in question would be an exercise in futility.

Accordingly, this petition is allowed and FIR No.26/2010 under Sections 420/427/447/468/471/506/120-B/511 of IPC registered at P.S. Swaroop Nagar, Delhi and the proceedings emanating therefrom are quashed *qua* petitioners subject to total cost of ₹40,000/- to be deposited by both the petitioners with *Prime Minister's Relief Fund* within two weeks from today and receipt regarding deposit of costs be placed on record within one week thereafter.

This petition is accordingly disposed of.

(SUNIL GAUR)
JUDGE

JANUARY 07, 2015

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