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

Date of decision: 14.08.2015

+ W.P.(CRL) 1725/2015

MOHD. ILYAS & ANR

..... Petitioners

Through Mr. R.M.S. Tufail, Mr. Anwar A.
Khan and Mr. Farooq, Advocates

versus

STATE GOVT OF NCT OF DELHI & ANR Respondents

Through Mr. Amrit Singh for Mr. Rahul
Mehra, Standing Counsel (Crl.)
SI Arvind Kumar, P.S. Jahangir Puri
Mr. Varun Aggarwal, Adv. for R-2
along with respondent no. 2

CORAM:

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

Crl. MA No. 11682/2015 (Exemption)

Exemptions allowed subject to all just exceptions.

The application stands disposed of.

W.P. (CRL) 1725/2015

The present is a petition under Article 226 of the Constitution of India read with Section 482 Cr.P.C., 1973 seeking quashing of FIR No. 517/2015

under Section 420 IPC registered at Police Station Jahangir Puri, Delhi and the proceedings emanating therefrom.

Briefly encapsulated the facts are that Nar Singh, the complainant herein paid a sum of Rs. 15 lakhs to the petitioner no. 1 as earnest money towards the purchase of a commercial shop at Jahangir Puri, Delhi. The balance consideration of Rs. 6.5 lakhs was to be paid by the complainant to the petitioners on or before the 14th of January, 2015. The subject FIR was registered on the allegation that contrary to the agreement entered into between the parties, the petitioners sold the subject property to somebody else.

Mr. R.M.S. Tufail, learned counsel appearing on behalf of the petitioners as well as Nar Singh, the complainant who is present in Court and has been identified by his counsel Mr. Varun Aggarwal, state that with the intervention of elders and respectable people in the Colony, the parties have arrived at an amicable resolution of their dispute which is reflected in the Settlement Deed dated 10th August, 2015 entered into between the parties and annexed to this petition as Annexure A-3.

A perusal of the Settlement Deed dated 10th August, 2015 reveals as under:-

“a. That the Second Party has jointly honoured the grievance of the First Party by making good the losses so incurred by the First Party by paying Rs.14,00,000.00 (Rupees Fourteen Lakh) on 06th day of August 2015 to the First Party.

b. That on receipt of the above mentioned amount, the grievance of the First Party stands resolved and he has no further grudge or complaint against the Second Party.

c. That the First Party has no objection if the FIR bearing No.517/2015 registered under section 420 of the Indian Penal Code at Police Station Jahangir Puri, Delhi is quashed.

d. That the Second Party will move a joint petition before the Hon'ble High Court of Delhi thereby seeking quashing of F.I.R.No.517/2015 PS Jahangir Puri and the First Party shall swear an affidavit of no objection qua the same and shall make himself present before the Hon'ble High Court of Delhi on the actual date of hearing.

e. That the First Party shall further make a statement of no objection in this regard before the Hon'ble High Court of Delhi on the date of hearing of the quashing petition.

f. That the First Party and Second Party jointly undertake to not to disturb each other in each other's day to day affairs and no further litigation shall take place vis-à-vis the present dispute which is the subject matter of the present settlement.”

In *Gian Singh vs. The State of Punjab*, reported as (2012) 10 SCC 303, the Hon'ble Supreme Court held that except in heinous and serious

offences of mental depravity, murder, rape, dacoity etc. or offences under special statutes like Prevention of Corruption Act, offences that are private in nature and do not have a serious impact on society, may be quashed.

In the present case, it is observed that pursuant to the said Settlement Deed dated 10th August, 2015, a sum of Rs. 14 lakhs has already been received by the complainant-Nar Singh. The said amount, as agreed to counsel for the complainant, is towards full and final settlement of all claims of respondent no. 2 *qua* the petitioners and in satisfaction thereof.

Since the disputes between the parties which arose out of a property transaction has been amicably resolved between the parties without any undue influence, pressure or coercion and since the Settlement Deed is lawful, no useful purpose will be served by proceeding with the subject FIR and the proceedings emanating therefrom.

Resultantly, the subject FIR No. 517/2015 under Section 420 IPC registered at Police Station Jahangir Puri, Delhi and the proceedings emanating therefrom are hereby set aside and quashed *qua* the petitioners herein, subject to the petitioners depositing a sum of Rs. 11,000/- each with the Management of the Jama Masjid at Jahangir Puri, Delhi within a period of one week from today. The receipt thereof shall be provided to the

Investigating Officer namely SI Arvind Kumar, Police Station Jahangir Puri, Delhi.

The petitioners are ready to offer their services voluntarily by doing some social work at the said Masjid in Jahangir Puri, Delhi for a period of one month from today. Ordered accordingly.

The writ petition is allowed with the above directions and disposed of accordingly.

AUGUST 14, 2015/sd

SIDDHARTH MRIDUL, J