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

+ W.P.(CRL) 2502/2015

PARAMJIT SINGH BHASIN

..... Petitioner

Through: Mr. Arun Satija, Adv.

versus

THE STATE (GOVT OF NCT OF DELHI) & ANR

..... Respondent

Through: Ms. Richa Kapoor, ASC for the State
with Mr. Rohit Kaul and Mr. Ashish Negi, Advs.
SI R.L. Meena, PS Domestic Airport

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **02.11.2015**

The petitioner seeks quashing of the FIR No.87/2015 (PS Domestic Airport) dated 1.8.2015 registered under Section 420 of the IPC.

The aforesaid FIR has been registered at the instance of respondent No.2, who is present in the Court today along with his counsel. The allegation in the FIR is that the petitioner who is a railway contractor lured respondent No.2 for investing money in Railways as it would fetch great dividends for him.

It has been submitted that because of such inducement by the petitioner, the respondent No.2 initially paid Rs.3,50,000/- by means of a cheque, which amount was withdrawn on the same day when the cheque was issued. Later, payment of Rs.4,50,000/- was made by respondent No.2

to the petitioner in cash. However, the investments made by respondent No.2 did not yield any result and on demand of repayment of such money to him, the petitioner is said to have dilly-dallied. Two cheques were also issued for return of money to respondent No.2 but those cheques bounced because of “insufficiency of funds”.

Be that as it may, realising the futility of litigation, the petitioner settled the dispute with respondent No.2. and paid towards full and final settlement of the dispute between the petitioner and respondent No.2.

The averments made in the FIR and the nature of offence makes it very obvious that it is in the nature of an interpersonal dispute between the petitioner and respondent No.2, who knew each other from before. The allegations are not of the nature which would hamper or be an impediment in the even tempo of daily social life.

In ***Gian Singh vs. State of Punjab & Another, (2012) 10 SCC 303***, the Supreme Court has held that cases which are not compoundable under Section 320 of the Cr.P.C. could also be quashed, when continuation of any criminal proceeding would be an exercise in futility and where justice demands that the dispute between the parties should be put to an end and peace is restored. But ending of such criminal proceedings could only be ordered for securing the ends of justice.

The Supreme Court has further observed in *Gian Singh vs. State of Punjab & Another (Supra)*:

“58..... No doubt, crimes are acts which have harmful effect on the public and consist in wrongdoing that seriously endangers and threatens the well-being of the society and it is not safe to leave the crime-doer only because

he and the victim have settled the dispute amicably or that the victim has been paid compensation, yet certain crimes have been made compoundable in law, with or without the permission of the court. 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. 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. The above list is illustrative and not exhaustive. Each case will depend on its own facts and no hard-and-fast category can be prescribed.”

[Refer to B.S. Joshi, (2003) 4 SCC 675; Nikhil Merchant, (2008) 9 SCC 677 and Manoj Sharma, (2008) 16 SCC 1.]

Thus, the inherent powers of the High Court, having a wide plenitude could be used for quashing the FIR for securing the ends of justice and to prevent the abuse of the process of the court.

Considering the aforesaid facts and the settlement arrived at between the parties, which fact stands affirmed by respondent No.2 who is present in the Court, the subject FIR (FIR No.87/2015; PS Domestic Airport) and all

the resultant emanating proceedings thereof are set aside.

The petition is disposed of.

Dasti.

ASHUTOSH KUMAR, J

NOVEMBER 02, 2015

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