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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 16.12.2015

W.P.(CRL) 2958/2015

KAMAL PURI

..... Petitioner

Through: Mr. M.L. Gupta, Advocate

versus

THE STATE & ANR

..... Respondents

Through: Ms. Richa Kapoor, ASC (Criminal)
with Mr. Rohit Kaul and Mr. Ashish
Negi, Advocates and SI Vishvendra,
PS- Seema Puri, Delhi for R-1
Respondent No.2 in person

CORAM:

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

1. The present is a petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as 'the Code') seeking quashing of FIR No.1089/2015, under Section 408 IPC, registered at Police Station- Seemapuri, Delhi and the proceedings arising therefrom.

2. The allegations that lead to the registration of the subject FIR are that Kamal Puri, the petitioner herein, who was employed with the complainant Prakash Dutt Sharma, respondent No.2 herein, had unauthorizedly left the premises with certain electronic goods.

3. Counsel for the parties, on instructions from the parties who are present in person in Court and have been identified by the IO SI Vishvendra, Police Station- Seema Puri, state that with the intervention and help of respectable persons of the society, the dispute has been amicably resolved and the inadvertent loss suffered by the complainant is stated to have been compensated.

4. The compromise entered into between the parties has been acted upon and has been reduced to writing. The compromise dated 02.11.2015 is annexed to this petition as Annexure – A. The salient terms and conditions of the said compromise dated 02.11.2015 are as follows:-

- “1. That the second party has agreed that he does not want any further legal action in respect of the aforesaid FIR against the first party.
2. That the second party has also agreed to cooperate the first party to get the aforesaid FIR quashed.
3. That the parties will file petition for getting the aforesaid FIR quashed before the Hon’ble High Court of Delhi.
4. That the first party will bear the expenses of the quashing petition filed before the Hon’ble High

Court of Delhi and he will not demand any amount in this behalf from the second party.

5. That the second party has been compensated of his loss/damage suffered by him on account of the first party and now the second party does not want any action against the first party.
6. That the parties have agreed that they will not file any case, complaint etc. against each other and they will not claim anything against each other.”

5. The present case does not fall within the category exempted from quashing in terms of the decision of the Supreme Court in **Gian Singh vs. State of Punjab and Anr.** reported as **(2012) 10 SCC 303**, since it does not affect the general public at large and it is a private affair.

6. The offences alleged to have been committed by the petitioner Kamal Puri are punishable under Section 320 of the Code.

7. Resultantly, FIR No.1089/2015, under Section 408 IPC, registered at Police Station- Seemapuri, Delhi and the proceedings arising therefrom are hereby set aside and quashed qua the petitioner.

8. The writ petition is disposed of accordingly.

SIDDHARTH MRIDUL, J

DECEMBER 16, 2015

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