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

Date of decision: 22nd February, 2016

+ W.P.(CRL) 576/2016 and CrI. MA No. 3189/2016

HARI SHANKAR GUPTA

Through

versus

..... Petitioner

Ms. Nupur Sharma and Mr. Vivek

Kadyan, Advs. along with petitioner

STATE & ANR

Through

..... Respondents

Ms. Neha Dhir for Ms. Nandita Rao,

ASC (CrI.) for the State

SI Sudhir Sharma, PS Sunlight Colony

Respondent no. 2/Complainant

in-person

CORAM:

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

CrI. MA No. 3189/2016 (Exemption)

1. Exemptions allowed subject to all just exceptions.
2. The application stands disposed of.

W.P.(CRL) 576/2016

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 seeking quashing of FIR No. 786/2015, under Sections 406/420/467/468/471 IPC

registered at Police Station- Sunlight Colony, Delhi and the proceedings arising therefrom.

2. The subject FIR came to be registered against the petitioner herein – Mr. Hari Shankar Gupta, pursuant to a direction dated 17th November, 2015 issued by the learned Metropolitan Magistrate, Saket Courts, New Delhi in CC No. 49/1/15, filed at the instance of Mr. Parvesh Kumar Balyan, the complainant herein.

3. The backdrop in which the subject FIR came to be registered was that Mr. Hari Shankar Gupta- the petitioner herein and Mr. Parvesh Kumar Balyan, the complainant herein were engaged in the business of repair and resale of old cars and in the course of their business, certain disputes and differences arose between the parties over settlement of accounts and Mr. Parvesh Kumar Balyan alleged that the petitioner herein had sold his car without his permission.

4. Counsel for the parties state that with the intervention of elders in the family, the parties have arrived at an amicable settlement of all their outstanding commercial disputes before the learned Metropolitan Magistrate, Saket Courts, New Delhi on 14th January, 2016 and the same is evidenced by the statement of Mr. Parvesh Kumar Balyan, which reads as follows:-

“Statement of Parvesh Kumar Balyan, S/o Sh. V.K. Balyan, aged about 33 years, R/o House No. 29-A, Pocket B, Siddharth Extension, New Delhi

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I am complainant in the present case. I have entered into a settlement with the mother of the accused Hari Shankar Gupta namely Sneh Lata, and pursuant to the said settlement, I have received the entire cheated amount of Rs. 4,00,000/-. The said amount is received by me as full and final settlement. I do not have any objection if the accused is granted bail and further, I have agreed to cooperate with the accused in getting the present FIR quashed.”

5. In a nutshell, it has been agreed by and between the parties that the respondent no.2/complainant be paid a sum of Rs. 4,00,000/- as full and final settlement in lieu of his outstanding commercial dispute against the petitioner. Mr. Parvesh Kumar Balyan- respondent no.2 acknowledges receipt thereof.

6. Mr. Parvesh Kumar Balyan- respondent No.2/complainant, who is present in Court today and has been identified by the Investigating Officer in the subject FIR namely SI Sudhir Sharma, Police Station- Sunlight Colony, Delhi states that in view of the amicable resolution of the dispute as afore-stated, he is no longer keen to proceed with the subject FIR and the proceedings emanating therefrom.

7. In the present case, it is observed that the offence in the subject FIR does not fall within the exempted categories of serious/heinous offences which ought not to be quashed on the ground of an amicable resolution of the disputes. [Ref. *Gian Singh vs. State of Punjab and Anr.* reported as (2012) 10 SCC 303]. The offence alleged to have been committed in the subject FIR is private in nature and does not have a serious impact on society.

8. In view of the foregoing, since the dispute that led to the registration of the subject FIR has been settled between the parties amicably without any undue influence, pressure or coercion; and the settlement between the parties is lawful, no useful purpose will be served by proceeding with the subject FIR and the proceedings arising therefrom.

9. Resultantly, the FIR No.786/2015, under Sections 406/420/467/468/471 IPC registered at Police Station- Sunlight Colony, Delhi and the proceedings arising therefrom are hereby set aside and quashed *qua* the petitioner subject to his depositing a sum of Rs. 20,000/- with the Victims' Compensation Fund within a period of three weeks from today. A copy of the receipt thereof shall be provided to the Investigating Officer in the subject FIR.

10. With the above directions, the writ petition is allowed and disposed of accordingly.

SIDDHARTH MRIDUL, J

FEBRUARY 22, 2016
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