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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 09.05.2016

W.P.(CRL) 1433/2016

JAGMOHAN SINGH SAHNI & ANR

..... Petitioners

Through: Mr. Abhijat, Advocate with Mr.
Pratyush Sharma, Advocate

versus

STATE THROUGH GOVT OF NCT DELHI & ANR Respondents

Through: Ms. Richa Kapoor, ASC (Criminal)
with Ms. Mallika Parmar, Advocate
and SI Amit Kumar, PS- Punjabi
Bagh, Delhi for R-1

Respondent No.2 in person

CORAM:

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

CRL.M.A.7421/2016 (Exemption)

Exemption granted subject to all just exceptions.

The application is disposed of accordingly.

W.P.(CRL) 1433/2016

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 (Cr.P.C.)

seeking quashing of FIR No.820/2015, under Sections 420/406 IPC, registered at Police Station- Punjabi Bagh, Delhi, and the proceedings arising therefrom.

2. The brief facts leading to the registration of the subject FIR are that petitioner No.1 approached the complainant who is an amateur wrestler and persuaded him to part with money on the assurance that as the Secretary of the Indian Olympic Association, the former was an influential person, and that if the latter were to submit his bid for a proposed e-tender, it would be awarded to him, leading to untold profits. Petitioner No.1 also made a promise to the complainant that the latter would be appointed as a Joint Secretary of the said association.

3. Mr. Abhijat, learned counsel appearing on behalf of the petitioner, as well as the complainant, who is present in person in Court today, jointly state that subsequent to the registration of the subject FIR, the parties have entered into an amicable resolution of the dispute that led to the registration of the subject FIR with the aid and assistance of the Mediation Centre, Tis Hazari Courts, Delhi. The terms and conditions of the settlement agreement are encapsulated in an order dated 26.11.2015 of the learned Mediator, Tis Hazari Courts, Delhi which is annexed as Annexure-B to the present petition. The salient terms of the settlement agreement dated 26.11.2015 are as follows:-

“26.11.2015

Present: Applicant Jagmohan Singh Sahni in person
with Sh. Sanjay Aggarwal, Adv.
Complainant Sikandar Mann in person with
Sh. Puneet Relan, Adv.

The present bail application filed by the applicant Jagmohan Singh Sahni has been referred by the Court of Sh. Virender Kumar Bansal, Ld. ASJ (FTC), West District, Tis Hazari Courts, Delhi and has been assigned to me for mediation. Process of mediation explained to the parties. Single and joint sessions were held.

Briefly stated the relevant facts as disclosed by the parties are that the FIR bearing No.820/2014 u/s 420/406 IPC was registered at PS Punjabi Bagh against the accused Jagmohan Singh Sahni and Kuldeep Vats. It is stated by the parties that out of the total amount of Rs.35,00,000/- (Rs. Thirty Five Lacs), Rs.7,85,000/- has already received by the complainant.

After discussions, both parties have agreed to settle their disputes as full and final on the following terms and conditions:-

1. It is agreed between the parties that the accused shall pay an amount of Rs.27,15,000/- (Rs. Twenty Seven Lacs Fifteen Thousand only) to the complainant towards full and final settlement of the claim of the complainant.
2. The settled amount of Rs.27,15,000/- shall be paid by the accused to the complainant in four installments as per following schedule.
 - i) Rs.5,15,000/- by way of PDC bearing No.046795 dated 05.12.2015 drawn on Andhra Bank, Patiala Branch, Patiala.
 - ii) Rs.10,00,000/- by way of PDC bearing No.046792 dated 30.12.2015 drawn on Andhra Bank, Patiala Branch, Patiala.
 - iii) Rs.7,00,000/- by way of PDC bearing No.046796 dated 30.01.2016 drawn on Andhra Bank, Patiala Branch, Patiala.

iv) Rs.5,00,000/- by way of DD/Banker's Cheque payable on or before 10.02.2016 at the time of compounding/quashing of FIR before the concerned court.

3. In case any default, the complainant shall be at liberty to continue with the trial of the FIOR and the amount already paid by the accused shall stand forfeited.
4. It is stated by the complainant that in view of the present settlement, he has no monetary claim against the other accused Kuldeep Vats.
5. It is agreed by the complainant that in view of the present settlement he will not oppose the bail application of the applicant and will also cooperate in getting the FIR compound/quashed before the concerned Court. However, the complainant shall be at liberty to apply cancellation of bail in case of default on the part of the accused/applicant.
6. It is agreed by the parties that any case/complaint/representation, civil or criminal if filed by them against each other apart from the present case, the same shall be deemed to have been withdrawn unconditionally and unequivocally in view of the present settlement/agreement. It is further agreed by both the parties that no litigation will be filed by them against each other in future regarding the present dispute, after the execution of this settlement.
7. Both the parties have settled their dispute out of their own free will, without any fear, force, coercion or undue influence from any side."

4. Pursuant to the afore-stated settlement a sum of Rs.30,00,000/- has already been received by the complainant. The balance sum of Rs.5,00,000/- has been brought to the court in the shape of a demand draft bearing

No.053501 dated 18.04.2016, drawn on Axis Bank, Rajouri Garden Branch, Delhi and has been handed over to the complainant/respondent No.2 in Court today who acknowledges receipt thereof subject to encashment.

5. The complainant Sikandar Singh Mann (respondent No.2 herein), who is present in the Court and has been duly identified by the IO SI Amit Kumar, Police Station- Punjabi Bagh states that subsequent to the registration of the subject FIR, the parties have resolved all their differences which led to the registration of the subject FIR and, therefore, he is no longer keen to proceed with it.

6. In the present case, it is observed that the offences in the subject FIR do 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 offences alleged to have been committed in the subject FIR are private in nature and do not have a serious impact on society.

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

8. Resultantly, the FIR No.820/2015, under Sections 420/406 IPC, registered at Police Station- Punjabi Bagh, Delhi, and the proceedings arising therefrom are hereby set aside and quashed *qua* the petitioners subject to their depositing a sum of Rs.15,000/- (Rupees Fifteen Thousand) each with the Victims' Compensation Fund within a period of two weeks from today.

A copy of the receipt thereof shall be provided to the Investigating Officer in the subject FIR.

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

MAY 09, 2016
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SIDDHARTH MRIDUL, J

