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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 16.05.2016

W.P.(CRL) 1526/2016

KAMLESH & ANR ..... Petitioners

Through: Mr. Ravinder Singh, Advocate

versus

STATE (NCT OF DELHI) & ANR ..... Respondents

Through: Mr. Avi Singh, ASC (Criminal) with SI Jogendra Kumar, PS- Model Town for R-1

Ms. Richa Singh, Advocate for the R-2/complainant along with the complainant in person

CORAM:
HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

CRL.M.A.7975/2016 (Exemption)

Exemption granted subject to all just exceptions.

The application is disposed of accordingly.

W.P.(CRL) 1526/2016

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.70/2013, under Section 420 IPC, registered at Police Station- Model Town, Delhi and the proceedings arising therefrom.

2. The subject FIR came to be registered by Saroj, respondent No.2/complainant herein, against the petitioners, among which the petitioner No.1 is admittedly her old friend, on an allegation that the latter had taken money on loan from the former and refused to pay her back despite repeated entreaties in that behalf.

3. Counsel appearing on behalf of the petitioners as well as counsel appearing on behalf of the complainant/respondent No.2 state that the parties have settled their disputes amicably out of which the subject FIR has been registered. The salient terms and conditions of the amicable resolution of the disputes between the parties are enshrined in the compromise deed dated 11.01.2016 annexed as Annexure B to this petition. The salient terms and conditions of the compromise deed dated 11.01.2016 are as follows:-

> "1. The FIRST PARTY has compromised the matter regarding the above said FIR with the SECOND PARTY with the help of the respectable people of the locality and other mutual friends and no animosity remain between the first party and second party.
> 2. The FIRST PARTY has no more differences left with the SECOND PARTY and therefore wants to compound the matter with them as he does not want to pursue the above said FIR further.
> 3. That both the parties have reached this compromise with free consent and with the interest of maintaining peace and brotherhood in the locality.

4. That the FIRST PARTY hereby also agree to help in compounding/quashing the case before the Hon'ble High Court of Delhi, subject to all cost born by the second party."

4. Pursuant to the afore-stated compromise deed dated 11.01.2016, counsel appearing on behalf of Saroj, complainant/respondent No.2 herein, states that certain money that was advanced on loan to the petitioners has since been recovered from the latter and, therefore, she has no grievance left against the petitioners.

5. Saroj, complainant/respondent No.2, who is present in person and has been duly identified by IO SI Jogendra Kumar, Police Station- Model Town, states that in view of the afore-stated amicable resolution, she is no longer keen to proceed with the subject FIR and the proceedings arising therefrom.

6. 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 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 which resulted in the registration of the subject FIR has already been resolved 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. Consequently, FIR No.70/2013, under Section 420 IPC, registered at Police Station- Model Town, Delhi and the proceedings arising therefrom are hereby set aside and quashed *qua* both the petitioners.

9. The writ petition is allowed and disposed of accordingly.

SIDDHARTH MRIDUL, J

MAY 16, 2016
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