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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 24.05.2016

W.P.(CRL) 1644/2016

ASHISH RANJAN NAYAK

..... Petitioner

Through: Mr. Niyamat Hussain, Advocate
Petitioner in person

Versus

THE STATE (NCT OF DELHI) & ANR

..... Respondents

Through: Ms. Richa Kapoor, ASC (Criminal)
with Ms. Mallika Parmar, and Ms.
Ritika Bhalla, Advocates and ASI
Mahavir Singh, PS- Neb Sarai
Respondent No.2 in person

CORAM:

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

CRL.M.A.8557/2016 (Exemption)

Exemption granted subject to all just exceptions.

The application is disposed of accordingly.

W.P.(CRL) 1644/2016

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.350/2016, under Section 420 IPC, registered at Police Station- Neb Sarai, Delhi and the proceedings arising therefrom.

2. The subject FIR came to be registered at the instance of Vijay Kumar, respondent No.2/complainant herein, against the petitioner, on the allegation that the petitioner had cheated him at the time when he approached the former for transfer of cash from one bank to another and had left without handing over the money to him.

3. Counsel appearing on behalf of the petitioner as well as counsel appearing on behalf of the Vijay Kumar, respondent No.2/ complainant state that the parties have settled their disputes which led to the registration of the subject FIR, amicably. The salient terms and conditions of the amicable resolution of the disputes between the parties are enshrined in the compromise deed dated 23.04.2016 annexed as Annexure B to this petition. The salient terms and conditions of the compromise deed dated 23.04.2016 are as follows:-

- “1. That the First Party and the Second Party have compromised all their disputes and misunderstanding and with the intervention of well wishers and friends without any threat, pressure, inducement, promise and coercion.
2. That the First Party has paid the agreed settlement amount of Rs.40,000/- (Rupees Forty Thousand only) to the Second Party in cash.
3. That the Second Party shall appear before the Hon’ble High Court of Delhi at the time of hearing of quashing petition which shall be filed in respect of quashing of FIR No.350/2016, registered U/s 420 IPC at P.S. Neb Sarai, New Delhi and Second Party shall give statement in the Hon’ble High Court for the purposes mentioned above.”

4. Pursuant to the afore-stated compromise deed dated 23.04.2016, counsel appearing on behalf of Vijay Kumar, respondent No.2/complainant herein, states that he has already received a sum of Rs.40,000/-, which constitutes the amount, which he had transferred, as aforesaid, on behalf of the petitioner and, therefore, he has no grievance left against the petitioner.
5. Vijay Kumar, respondent No.2/complainant, who is present in person and has been duly identified by IO ASI Mahavir Singh, Police Station- Neb Sarai, states that in view of the afore-stated amicable resolution, he is no longer keen to proceed with the subject FIR and the proceedings arising therefrom.
6. The petitioner has clean antecedents and admittedly there are no other previous or pending cases against him. The petitioner is a young migrant from Orissa, who is gainfully employed with a firm in Noida, Uttar Pradesh and the present proceedings have the potential to blight his career prospects. The petitioner, who is also present in Court today, has expressed deep remorse at the incident and assures this Court that there will not be a repetition.
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 offences alleged to have been committed in the subject FIR are private in nature and do not have a serious impact on society.

8. 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.

9. Consequently, FIR No.350/2016, under Section 420 IPC, registered at Police Station- Neb Sarai, Delhi and the proceedings arising therefrom are hereby set aside and quashed *qua* the petitioner.

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

MAY 24, 2016

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SIDDHARTH MRIDUL, J