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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 09.05.2016

+ W.P.(CRL.) 1286/2016 & CRL.M.A. Nos. 6750-6751/2016

PARVEEN CHOUDHARY Petitioner
Through Petitioner in-person

versus

STATE & ANR Respondents
Through Ms. Kamna Vohra, ASC (Crl.)
Mr. Charanjeet Bhalla, Respondent
no. 3 in-person
SI Vijay Kumar, PS Lajpat Nagar

CORAM:
HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

Crl. MA No. 6751/2016 (for condonation of delay in re-filing the present writ petition)

1. For the reasons stated in the application, the same is allowed. The delay in re-filing the present writ petition is hereby condoned.
2. The application is disposed of accordingly.

CRL.M.A. No. 6750/2016 (Exemption)

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

W.P.(CRL.) 1286/2016

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. 810/2015, under Section 420 IPC registered at Police Station- Lajpat Nagar, Delhi and the proceedings emanating therefrom.

2. The subject FIR came to be registered on a complaint filed by Mr. Charanjeet Bhalla, respondent no. 3 herein, who is a lawyer, to the effect that the latter has purchased gold from the shop of the petitioner- M/s Rama Krishan Jewellers, Lajpat Nagar, New Delhi on 7th November, 2014 and that the purity of gold, when checked was found short of the content assured by the petitioner at the time of purchase of jewellery article i.e. Gold Chain Set.

3. Mr. Charanjeet Bhalla, the respondent no.3/complainant in the subject FIR, who is present in person in Court today and has been identified by the Investigating Officer namely SI Vijay Kumar, Police Station- Lajpat Nagar, states that subsequent to the registration of the subject FIR, the dispute that led to the registration of the subject FIR has been resolved amicably by and between the parties and in pursuance thereof, the gold chain set purchased by respondent no. 3 has been returned to the petitioner and the amount so paid by the former i.e. Rs. 28,550/-, on the purchase of the said jewellery article has been received back by respondent no. 3/complainant; and in view

thereof, he is no longer keen to proceed with the subject FIR and the proceedings emanating therefrom.

4. In the present case, it is observed that the complainant has also addressed a communication to the SHO of the concerned Police Station clearly and unequivocally expressing his desire not to pursue the subject FIR and the proceedings emanating therefrom. The same is annexed as Annexure 'P-8' to the present petition at page 39 of the petition.

5. It is also observed that the offence in the subject FIR does not fall within the exempted category of serious/heinous offence 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.

6. In view of the foregoing, since the dispute that led to the registration of the subject FIR, has been amicably resolved by and between the parties, no useful purpose will be served by proceeding with the subject FIR and the proceedings emanating therefrom.

7. Resultantly, FIR No. 810/2015, under Section 420 IPC registered at Police Station- Lajpat Nagar, Delhi and the proceedings emanating therefrom are hereby set aside and quashed *qua* the petitioner subject to his

depositing an equivalent sum of Rs. 28,550/- with the Victims' Compensation Fund within a period of four weeks from today. The copy of the receipt thereof be provided to the IO in the subject FIR.

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

MAY 09, 2016
sd

SIDDHARTH MRIDUL, J

