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

+ W.P.(CRL) 1549/2017

M/S. JUPITER TRADES PRIVATE LTD. Petitioner

Through: Mr. Ajay Sharma, Advocate
versus

STATE & ORS. Respondents

Through: Mr. Rajesh Mahajan, with Mr. Mohit
Sharma, for the State
Mr. Rajesh Tiwari, Advocate

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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31.10.2017

The petitioner no. 1 is a company of which the petitioners no. 2 & 3 are directors. They have sought quashing of the FIR no. 144/2015 dated 15.03.2015, PS Subzi Mandi, Delhi instituted for the offence under Section 420 of IPC.

It has been alleged by the respondents/ complainants that on the inducement of the petitioners, they invested in a policy over which they were promised discount vouchers and other benefits. Later, it was discerned by the respondents that such assurances were only empty promises and no benefit was granted to the respondents. Felt cheated, the subject FIR was lodged by the respondents.

Learned counsel appearing for the petitioners has stated that the terms of the policy were made clear to the respondent in the beginning only and only after being fully satisfied about the contents of the policy, they had invested in the same.

Be that as it may, in order to satisfy the respondents, the petitioners

decided to go for a settlement with them and agreed to pay the respondents a sum of Rs. 50,000/- in lieu of their accepting the proposal for ending the dispute and facilitating the quashing of the subject FIR.

The amount of Rs. 50,000/- by way of two demand drafts, each amounting Rs. 25,000/- dated 13.10.2017 have been handed over to the respondents no. 2 and 3 in court which they have accepted on their satisfaction.

Taking into account the aforesaid facts, as also the clear intention of the respondents of not prosecuting the petitioners any further, this court is of the view that no useful purpose will be served by keeping the investigation of the present case pending

The respondents no. 2 & 3 have been identified by ASI Anand Pal.

In ***Gian Singh vs. State of Punjab & Another, (2012) 10 SCC 303***, the Supreme Court has held that cases which are not compoundable under Section 320 of the Cr.P.C. could also be quashed, when continuation of any criminal proceeding would be an exercise in futility and where justice demands that the dispute between the parties should be put to an end and peace is restored. But ending of such criminal proceedings could only be ordered for securing the ends of justice.

The Supreme Court has further observed in *Gian Singh vs. State of Punjab & Another (Supra)*:

“58..... No doubt, crimes are acts which have harmful effect on the public and consist in wrongdoing that seriously endangers and threatens the well-being of the society and it is not safe to leave the crime-doer only because he and the victim have settled the dispute amicably or that the victim has been paid compensation, yet certain crimes have been made

compoundable in law, with or without the permission of the court. In respect of serious offences like murder, rape, dacoity, etc., or other offences of mental depravity under IPC or offences of moral turpitude under special statutes, like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, the settlement between the offender and the victim can have no legal sanction at all. However, certain offences which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions or the offences arising out of matrimony, particularly relating to dowry, etc. or the family dispute, where the wrong is basically to the victim and the offender and the victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable, the High Court may within the framework of its inherent power, quash the criminal proceeding or criminal complaint or FIR if it is satisfied that on the face of such settlement, there is hardly any likelihood of the offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated. The above list is illustrative and not exhaustive. Each case will depend on its own facts and no hard-and-fast category can be prescribed.”

[Refer to B.S. Joshi, (2003) 4 SCC 675; Nikhil Merchant, (2008) 9 SCC 677 and Manoj Sharma, (2008) 16 SCC 1.]

For the reasons afore-recorded, the FIR no. 144/2015 dated 15.03.2015 (PS Subzi Mandi) instituted for the offence under Section 420 of IPC and all the emanating proceedings therefrom are quashed.

The petition is disposed of.

ASHUTOSH KUMAR, J

OCTOBER 31, 2017/NC