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

+ W.P.(CRL) 1052/2017

AMIT KUMAR YADAV

..... Petitioner

Through Mr. Tarun Singla, Adv. with Mr. K.C.
Joshi, Adv.

versus

STATE & ANR.

..... Respondents

Through Mr. Rajesh Mahajan, ASC.
ASI Kabool Chand PS Vasant Kunj.
Mr. G.S. Chandan, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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24.05.2017

The petitioner seeks quashing of the FIR No.388/2016 dated 19.05.2016 (PS Vasant Kunj South) instituted for the offence under section 420 of the IPC.

Respondent no.2 lodged the subject FIR alleging that the petitioner had accepted Rs.50 lakhs from him for conveying a property in Vasant Vihar but the same was never conveyed. A civil suit vide CS(OS) No.2917/2014 was filed by the respondent no.2 for specific performance of the agreement to sell.

It has been submitted on behalf of the petitioner that the dispute has now been settled and the civil suit referred above has been withdrawn.

The petitioner has paid an amount of Rs.1 crore to the respondent no.2 towards damages and the amount which was accepted by him for conveying

the said property. Respondent no.2 has also agreed for not to pursue the aforesaid FIR.

The parties are present in Court who have been identified by their respective counsels. Respondent no.2 also affirms the aforesaid fact of his having received Rs.1 crore from the petitioner.

Taking into account the aforesaid facts namely settlement between the parties and full redressal of all the grievances of respondent no.2, this Court feels that there is no requirement of keeping alive the investigation of the subject FIR any further.

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.]

Thus, the inherent powers of the High Court, having a wide plenitude could be used for quashing the FIR for securing the ends of justice and to prevent the abuse of the process of the court.

For the aforesaid facts, the FIR No.388/2016 dated 19.05.2016 (PS Vasant Kunj South) instituted for the offence under section 420 of the IPC and all other proceedings emanating therefrom are quashed.

The petition is disposed of in terms of the above.

ASHUTOSH KUMAR, J

MAY 24, 2017

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