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

+ W.P.(CRL) 1133/2017

PRADYUMNA & ANR.

..... Petitioners

Through

Mr. Abhishek Pratap Singh and
Mr. Manoj Chaudhary, Advs.

versus

STATE & ANR

..... Respondents

Through

Mr. R.S. Kundu, ASC.
Insp. Sanjay Kumar, P.S. Janak Puri.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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04.08.2017

The petitioners seek quashing of F.I.R No. 915/2015 dated 27.07.2015 (P.S. Janak Puri) instituted for the offences under Sections 66/66B of the Information Technology Act, 2000 and Sections 420 and 406 of the IPC.

The respondent No.2, on coming to learn in the year 2014 that there had been an unauthorised transaction of Rs.2 lakhs in the current account maintained by him with the Syndicate Bank, Janakpuri branch, New Delhi, lodged a complaint. The subject FIR was registered pursuant to the aforesaid complaint. During the investigation of the subject FIR, the complicity of the petitioners came to the surface.

However, the petitioners agreed to settle the dispute with the respondent No.2 and paid him an amount of Rs.2 lakhs which was accepted by respondent No.2 towards his full satisfaction.

The petitioners have been identified by their counsel whereas respondent No.2 has been identified by Insp. Sanjay Kumar, P.S. Janakpuri, who is the IO of this case.

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Taking into account the fact that no grievance of respondent No.2 remains as against the petitioners, this Court is of the view that no fruitful purpose would be served in keeping the subject FIR alive for investigation.

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

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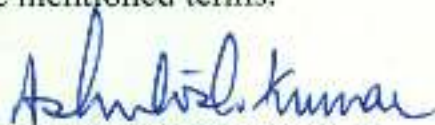
family dispute, where the wrong is basically to the victim and the offender and the victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable, the High Court may within the framework of its inherent power, quash the criminal proceeding 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.

Keeping in mind the facts of this case and the settlement between the parties, allowing the criminal proceeding to be continued any further would not be in accord with the guiding factor namely securing the ends of justice. For the reasons afore recorded, the FIR No.915/2015 dated 27.07.2015 (P.S Janak Puri) instituted for offences under Sections 66/66B of the Information Technology Act, 2000 and Sections 420 and 406 of the IPC and the proceedings emanating from it, are quashed.

Thus, the petition is disposed of in above mentioned terms.


ASHUTOSH KUMAR, J

AUGUST 4, 2017

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