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

+ **W.P.(CRL) 2146/2017**

BABU SIBRAMANYAM Petitioner

Through: **Mr. Rupesh Kumar, Adv.**

versus

THE STATE GOVT OF NCT OF DELHI AND ANOTHER

..... Respondents

Through: **Mr. Ashish Aggarwal, ASC with Mr.
Piyush Singhal, Adv. for the State
SI Vineet, P.S. Anand Vihar
Mr. Rajesh Kumar, Adv. for R-2**

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **28.07.2017**

Crl.M.A.12039/2017 (delay of 64 days in re-filing)

For the reasons stated in the application, the delay of 64 days in re-filing the writ petition is condoned.

The application is disposed of.

W.P.(CRL) 2146/2017

The petitioners seek quashing of the FIR No.455/2015 dated 30.06.2015 (P.S.Anand Vihar) instituted for offences under Sections 420 and 406 of the IPC.

The petitioner No.3 is the Director whereas the other petitioners are the employees of M/s Ceasefire Industries Ltd., which provides and installs CCTV cameras in premises on payment of money. An agreement was

entered into between respondent No.2 and the petitioners for installing CCTV cameras at the house of respondent No.2 for a total consideration amount of Rs.1,67,000/-. It has been submitted that an advance amount of Rs.83,000/- and some old cameras were taken by the petitioners for providing the CCTV cameras. Neither the CCTV cameras were provided nor the old ones were returned. The subject FIR was lodged when the petitioners were dilly-dallying in returning the advance amount of Rs.83,000/-.

The stand of the petitioners during the course of the investigation of this case was that they were always ready to supply the CCTV cameras but respondent No.2 was not happy with the quality of the consignment and therefore had himself refused to receive the same.

Be that as it may, a settlement has been arrived at between the petitioners and respondent No.2 whereby the advance amount and the old CCTV cameras have been returned to respondent No.2.

The petitioners as well as respondent No.2 are present in court and have been identified by the respective counsels.

The respondent No.2 affirms the fact that he has been paid Rs.83,000/- which he had advanced to the petitioners to supply the CCTV cameras at his residence.

Taking into account the aforesaid facts, namely the dispute being purely private in nature and the same having been settled, this court considers that continuance of any proceeding with respect to this allegation would only be a waste of time and would not serve any constructive purpose. Thus, this court feels inclined to quash the subject FIR.

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 aforesaid facts, the FIR No. 455/2015 dated 30.06.2015 (P.S.Anand Vihar) instituted for offences under Sections 420 and 406 of the IPC and all other proceedings emanating therefrom are quashed.

The petition is disposed of in terms of the above.

ASHUTOSH KUMAR, J

JULY 28, 2017

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