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

+ **W.P.(CRL) 1349/2017**

SANJAY KUMAR RAY Petitioner

Through: **Mr.D.K.Pandey, Adv.**

versus

STATE OF DELHI & ANR Respondents

Through: **Mr.Avi Singh, ASC.**
SI Manoj Kumar, P.S.Parliament
Street.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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04.05.2017

CRL. M.A.7440/2017

Exemption allowed, subject to all just exceptions.

Application is disposed of.

W.P.(CRL) 1349/2017

The petitioner seeks quashing of FIR No.135/2015 dated 30.06.2015 (P.S.Parliament Street) instituted for offences under Sections 406 and 420 of the IPC. The petitioner had also filed a complaint under Section 156(3) read with Section 200 Cr.P.C before the Court below arraigning the respondent No.2 and one bank manager, Mr.R.K.Lamba (since deceased) for having created forged documents by taking his signature on blank paper in the year 2008.

Learned counsel appearing for the petitioner and the respondent No.2 in person submit that the dispute between the petitioner and respondent No.2 has now been settled.

The respondent No.2 has been given a draft of Rs.15 lakhs which is

towards full and final satisfaction of her claim as against the petitioner.

In return, the petitioner has promised to withdraw the complaint filed against respondent No.2.

The substance of the first information report which is sought to be quashed is that the petitioner was handed over a draft of Rs.15 lakhs to be deposited with Greater Noida Authority which was appropriated for personal use. The allegation of the petitioner against respondent No.2 is that forged document was created by taking signature on blank papers in the year 2008. The whole problem started when the petitioner was allotted leasehold residential house in Greater Noida for a total sale consideration of Rs.26.25 lakhs. The petitioner wanted to take loan for paying to the Greater Noida Authority but the documents which were executed by him for loan were misused. The respondent No.2 on her part has alleged that pursuant to an agreement to sell she had deposited money with the petitioner but that money was misappropriated.

Considering the nature of allegation in the complaint filed by the petitioner and the case lodged by the respondent No.2; settlement of dispute between the parties and the decision of respondent No.2 not to prosecute the petitioner any further and the petitioner also having decided to withdraw the complaint, this Court does not think it to be necessary to keep the investigation of the subject FIR pending.

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.]

Considering the aforesaid facts, the FIR No.135/2015 dated 30.06.2015 (P.S.Parliament Street) instituted for offences under Sections 406/420 of the IPC and all the emanating proceedings therefrom are quashed.

The petition is disposed of in terms of the above.

ASHUTOSH KUMAR, J

MAY 04, 2017

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