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

+ **W.P.(CRL) 1506/2017**

NARINDER SINGH & ANR

..... Petitioners

Through: Mr. G.K. Bharti with Mr. Rajesh
Kumar, Advs.

versus

THE STATE & ORS

..... Respondents

Through: Mr. Sanjay lao, ASC with Mr.
Siddarth Sindhu, Adv. for the State
ASI Jai Chand, P.S. Mukherjee Nagar
Mr. Jatin Chaudhary & Mrs. Jaya
Chaudhary, respondents in person

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **19.05.2017**

Crl.M.A.8367-68/2017

Exemptions allowed, subject to all just exceptions.

Applications are disposed of.

W.P.(CRL) 1506/2017

The petitioners seek quashing for the FIR No.59/2017 dated 21.01.2017 (P.S. Mukherjee Nagar) instituted for offences under Sections 406, 506 and 34 of the IPC on the strength of settlement having been arrived at between the parties.

Respondent Nos.2 and 3, for purchasing of a flat from the petitioners, had paid an earnest money of Rs.13 lakhs. The property was ultimately not

conveyed to the respondents as the respondents themselves were not desirous of taking the property. When the advance money was not been returned by the petitioners on demand by the respondents, the subject FIR was lodged. Now the petitioners and the respondents have entered into a settlement whereby the petitioners have agreed to return the entire amount which was given by respondent Nos.2 and 3. Rs.6.5 lakhs has admittedly been paid to the respondents. A demand draft No.000310 dated 12.05.2017 for Rs.6.5 lakhs drawn on HDFC Bank has been brought today in the court to be handed over to the respondents. The same is handed over and is accepted by the respondents to full satisfaction.

The parties have been identified by their respective counsel.

Taking the aforesaid facts into account, especially, the settlement between the parties and the return of the entire disputed amount and also considering that the offences alleged are of a personal nature not capable of affecting the society in general, this court has been persuaded 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.59/2017 dated 21.01.2017 (P.S. Mukherjee Nagar) and all other proceedings emanating therefrom are

quashed.

The petition is disposed of in terms of the above.

ASHUTOSH KUMAR, J

MAY 19, 2017

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