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

+ W.P.(CRL) 1552/2017

SHIVAM JINDAL

..... Petitioner

Through: Mr.Vikas Sharma, Advocate.

versus

STATE (NCT OF DELHI) & ORS

..... Respondents

Through: Mr.Ranbir Singh Kundu, ASC for State.
SI Vinit Kumar, P.S. North Rohini.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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13.09.2017

Crl.M.A. 8676/2017 (Exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(CRL) 1552/2017

The petitioner seeks quashing of the FIR No. 126/2015, dated 9.2.2015 at P.S.North Rohini instituted for the offences under Sections 420/467/468 and 506 IPC.

In the FIR, it has been alleged that the daughter of the complainant/respondent No.2 had taken a loan of Rs.30,000/- from the petitioner. As against the aforesaid loan, surreptitiously, the petitioner obtained two blank cheques from the daughter of respondent No.2, which he later misused. The FIR further indicates that the documents regarding the vehicle of the daughter of the respondent No.2 was also seen by the petitioner and later, without any instructions to him, got the vehicle

transferred in his name in a mala fide and illegal manner. It has been alleged that thereafter the two security cheques have been deposited in the bank for its encashment.

The learned counsel for the petitioner submits that the dispute was with respect to a car, which now has been settled. The cheques which are alleged to have been taken by the petitioner, have been returned to the daughter of the complainant and the petitioner is not pursuing the complaint under Section 138 of N.I. Act which he had filed before the court below. The petitioner has also given an undertaking that he shall withdraw the aforesaid complaint within a period of two weeks from today.

The aforesaid statement of the petitioner has been confirmed by the respondent No.2, who is present in Court.

Thus the FIR is sought to be quashed on the strength of the settlement deed dated 03.05.2017 which has been made part of the record of the present petition.

Considering the aforesaid facts, this Court is in view that no useful purpose will be served in not allowing the present petition. This Court says so after taking into account that the dispute is primarily personal in nature, where even the allegations appear to be vague and doubtful. No amount is due to the petitioner and nothing is to be claimed from the daughter of respondent No.2, as per the settlement. The vehicle in question has also been purchased by the petitioner. This Court is, thus, 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 reasons afore-recorded, FIR No. 126/2015, dated 9.2.2015 (P.S.North Rohini) instituted for the offences under Sections 420/467/468 and 506 of the IPC and all the emanating proceedings therefrom are quashed.

The petition is disposed of.

Dasti.

ASHUTOSH KUMAR, J

SEPTEMBER 13, 2017

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