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

+ W.P.(CRL) 1640/2017

ANAND BHAGWAN

..... Petitioner

Through Mr.Harish Khanna, Adv.

versus

STATE & ANR

..... Respondents

Through Mr.Sanjay Lao, ASC with
Mr.Siddharth Sindhu, Adv. for state.
SI Sumit PS Dwarka Sec-23.
Mr.Gurmeet Singh, Adv. for
complainant.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **26.05.2017**

The petitioner seeks quashing of the FIR No.33/2017 dated 30.01.2017 (PS Sector 23 Dwarka) instituted for the offences under sections 448/380 of the IPC.

An agreement to sell a flat in Dwarka was executed between the petitioner and respondent no.2. Some dispute arose between them which led to the lodging of the subject FIR. It may be noted that the subject FIR was lodged on the direction of the learned Metropolitan Magistrate under section 156(3) of the Cr.P.C.

The parties have settled their disputes. The petitioner was required, under the agreement, to return an amount of Rs.21 lakhs to the respondent no.2. Out of the aforesaid amount, Rs.6 lakhs have already been returned.

This statement has been affirmed by the learned counsel appearing for respondent no.2. A draft of Rs.15 lakhs, drawn in the name of respondent no.2 has been handed over to respondent no.2 in the presence of his counsel and Mr.Sanjay Lao, learned Additional Standing Counsel in the Court today.

It has been pointed out that section 448 of the IPC is compoundable and the averments made in the FIR do not make out a case under section 380 of the IPC.

Be that as it may, since the parties have settled the disputes and no grievance is now left to be redressed, this Court is of the view that no useful purpose would be served in keeping the investigation pending.

The parties have been identified by their respective counsels.

Taking into account the aforesaid facts, 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.33/2017 dated 30.01.2017 (PS Sector 23 Dwarka) instituted for the offences under sections 448/380 of the IPC and all other proceedings emanating therefrom are quashed.

The petition is disposed of in terms of the above.

ASHUTOSH KUMAR, J

MAY 26, 2017
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