

\$~49

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

+ W.P.(CRL) 1686/2017

FAHRENJEIT AUTOMOBILES
PRIVATE LIMITED & ORS

..... Petitioners

Through: Mr.Rajiv Bajaj, Adv.

versus

STATE OF NCT OF DELHI & ANR

..... Respondents

Through: Mr.Lokesh Chandra, Adv. for
Mr.Rajesh Mahajan, ASC.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **29.05.2017**

Crl.M.A.9347/2017

Exemption allowed, subject to all just exceptions.

The application stands disposed of._

W.P.(CRL) 1686/2017

The petitioners seek quashing of FIR No.319/2016 dated 24.08.2016 (P.S.Kirti Nagar) instituted for the offences under Sections 420/406 and 34 of the IPC.

The petitioner No.1 is a private limited company registered under the provisions of the Companies Act whereas petitioner Nos.2 & 3 are the Promoter/Directors of the petitioner No.1. The petitioners were the dealers of Skoda cars and respondent No.2 had approached them for purchase of a Skoda Superb car for which money was accepted by the petitioners. Because

of the termination of the dealership of the petitioner No.1, the car could not be delivered to respondent No.2. The petitioners, on such termination of dealership went under huge losses and, therefore, there was some delay in returning the amount to respondent No.2.

Now the dispute between the petitioners and respondent No.2 has been settled. An agreement has been executed delineating that whatever money is due to respondent No.2, shall be paid by the petitioners. Learned counsel for the petitioners submits that all the cheques which were given towards the payment of dues to respondent No.2 have been encashed. Respondent No.2 is present in Court and confirms the fact that the entire amount has been paid to him.

Taking into account the aforesaid facts and lack of any intention on the part of the petitioners to cheat the respondent No.2, this Court has been persuaded to quash the subject FIR. No useful purpose would be served now in keeping the investigation of this case 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.]

For the aforesaid facts, the FIR No.319/2016 dated 24.08.2016 (P.S.Kirti Nagar) instituted for the offences under Sections 420/406 and 34

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 29, 2017

k