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

+ W.P.(CRL) 1894/2017

ADROIT FINANCIAL SERVICES P.LTD. THR. ITS
AUTHORIZED REPRESENTATIVE/ VICE PRESIDENT NIKIL
RAJ GUPTA & ANR. Petitioners

Through: Mr.Puneet Goel, Adv. for petitioner
No.1

versus

THE STATE (GOVT. OF NCT OF DELHI)
& ANR. Respondents

Through: Ms.Kamna Vohra, ASC.
Mr.Amit Jain, Adv. for R-2.
Insp.Narender Kumar, P.S.Anand
Vihar.

CORAM:
HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER
% **12.10.2017**

CrI.M.A.10508/2017 (Exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(CRL) 1894/2017

The petitioners have sought quashing of FIR No.166/2012 dated 26.06.2012 (P.S.Anand Vihar) instituted for the offences under Sections 420/468/467/471/120B IPC.

The complainant/respondent No.2 actually has alleged swindling of funds and of manipulation of her signature for transferring shares by the

petitioners. The husband of the respondent No.2 had opened a demat account with petitioner No.1. A civil suit also was filed by the respondent No.2 for recovery of the amount which was illegally withdrawn from her account.

During the pendency of the subject FIR and the civil suit, a settlement was arrived at the Mediation Centre, Karkardooma Courts, Delhi wherein it was agreed upon between the parties that the entire amount of Rs.4,50,000/- belonging to the complainant/respondent No.2, shall be paid to her. It has been submitted on behalf of the petitioners that the petitioner No.1 has paid Rs.3,00,000/- whereas petitioner No.2 has paid Rs.1,50,000/- to the respondent No.2. The aforesaid statement of the petitioners has been ratified by the learned counsel appearing for the complainant. The complainant is also present and confirms that she has received the entire payment.

Pursuant to the settlement, the civil suit filed by respondent No.2 has already been withdrawn.

Considering the aforesaid facts, this Court is of the opinion that no fruitful purpose will be served in keeping the investigation of the present case alive.

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 i.e. the settlement of dispute between the parties and the respondent No.2 having received every amount for which settlement was arrived at, the FIR No.166/2012 dated 26.06.2012 (P.S.Anand Vihar) instituted for the offences under Sections 420/468/467/471/120B IPC and all the emanating proceedings therefrom are quashed.

The petition is disposed of.

ASHUTOSH KUMAR, J

OCTOBER 12, 2017

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