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

+ W.P.(CRL) 2281/2017

RAJESH TANEJA & ORS

..... Petitioners

Through

Mr. Sulaiman Mohd. Khan and Ms,
Taiba Khan, Advocates

versus

STATE & ANR

..... Respondent

Through

Mr. Ashish Aggarwal, ASC for State
SI Chandan Kumar, P.S. Okhla
Industrial Area.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **13.11.2017**

The petitioners have sought quashing of the FIR No.673/2016 dated 29.12.2016 (PS Okhla Industrial Area) instituted for the offences under Sections 420/511/463/471/34 IPC.

The petitioners had agreed to purchase a property from respondent No.2 for consideration amount of Rs.12 crores and odd. Out of aforesaid amount, initially Rs.1 crore and 80 lakhs was paid to the respondent No.2. However, there arose some dispute with respect to payment of TDS and in order to settle such dispute, a cheque amounting to Rs.1 crore and 20 lakhs was given by the petitioners to respondent No.2. The cheque of the aforesaid amount was honoured but the same was returned as the TDS and has not been paid by the petitioners. Later, respondent No.2 received, by post, another "agreement to sell" between the same parties but with a lesser consideration amount.

However, during the course of the investigation, the entire dispute between the parties has been settled. The sale deed with respect to the said property has already been executed. After receiving the entire amount, which was settled between the parties, the property has been conveyed to petitioner No.1. Petitioner No.2 is the chartered accountant whereas petitioner No.3 is the property dealer. A settlement deed also has been brought on record.

Taking into account the fact that the dispute arose while transaction were made for the sale and purchase of the subject property owned by the respondent No.2 and the disputes having been settled and the said property has already been vended, this Court is of the view that no useful purpose would be served in permitting the prosecution of the petitioners any further.

The petitioners are present in Court and have been identified by their counsel. The respondent No.2/complainant has been identified by S.I. Chander Kumar.

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, the FIR No.673/2016 dated 29.12.2016 (PS Okhla Industrial Area) instituted for the offences under

Sections 420/511/463/471/34 IPC and all the emanating proceedings therefrom are quashed.

The petition is disposed of.

ASHUTOSH KUMAR, J

NOVEMBER 13, 2017
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