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

+ W.P.(CRL) 2519/2017

ANJU DEVI & ANR

..... Petitioners

Through Mr. Siddharth Kapoor, Adv.

versus

THE STATE & ANR

..... Respondents

Through Mr. Ashish Negi, Adv. for
Ms. Richa Kapoor, ASC
Mr. Sushil Bansal with Mr. Sanjeev
Goyal, Advs. for R-2

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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30.10.2017

The petitioners seek quashing of the FIR No.17/2017 dated 16.01.2017 (P.S. North Rohini) instituted for offences under Sections 420 and 34 of the IPC.

The petitioners had agreed to sell a piece of agricultural land to the complainant/respondent No.2 for consideration. An amount of Rs.8,24,000/- was paid towards advance and for purchase of stamp for the purposes of conveyance of the property. It later transpired that NOC which was obtained by the petitioners was a forged one. Surprisingly, the allegation of forgery is to the extent that the name of Power of Attorney holder of the respondent No.2 is alleged to have been forged. There appears to be no reason for the petitioners to indulge in this kind of cheating/forgery as the property was required to be conveyed in favour of the Power of

Attorney holder only and on the asking of the petitioners, the Special Power of Attorney holder would have signed on the documents.

The facts of this case are different from what meets the eye in reading the FIR. The parcel of land which was agreed to be sold belongs to one Anita, who had sold it to petitioner No.1.

The petitioner No.1, after acquiring the aforesaid parcel of land, got it transferred in the name of his wife/petitioner No.2. There appears to be some dispute with respect to the ultimate sale and purchase of the property. The subject FIR, perhaps, was filed because the petitioners were not forthcoming in executing the sale deed nor were they returning the money which was advanced by complainant/respondent No.2. Today, the entire money which was received by petitioner from respondent No.2 has been returned to him.

During the investigation, it came to light that Anita, a co-villager owned the property in question and had sold it off to petitioner No.1. Thus, there does not appear to be any intention on the part of the petitioner to cheat respondent No.2/complainant. That apart, the complainant/respondent No.2 has been returned the entire amount invested by him.

The complainant/respondent No.2 is present in court, who has been identified by his advocate and SI Sukhi Ram, the IO of this case. The petitioners are identified by Mr. Siddarth Kapoor, proxy to Mr. S.S. Bagga, learned advocate.

Taking into account the fact that the parties have settled their disputes and respondent No.2 is not desirous of prosecuting the petitioners as he has been returned the amount which was invested by him, this court is of the view that no useful purpose would be served in keeping the investigation of

this case pending. A settlement deed between the parties has also been brought on record as Annexure P-2 to this petition.

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. 17/2017 dated 16.01.2017 (P.S. North Rohini) instituted for offences under Sections 420 and 34 of the IPC and all the emanating proceedings therefrom are quashed.

The petition is disposed of.

ASHUTOSH KUMAR, J

OCTOBER 30, 2017

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