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

% ***Date of Decision: 12.09.2017***

+ **W.P.(CRL) 2617/2017**

HARPREET KAUR & ORS Petitioners
Through: Mr.Sikandar Khan, Advocate with
petitioners in person.

versus

STATE (NCT OF DELHI) & ORS Respondents
Through: Ms.Richa Kapoor, ASC for State with SI
Umesh Yadav, PS Tilak Nagar, Delhi.
Respondent no. 2 in person.

CORAM:
HON'BLE MR. JUSTICE VINOD GOEL

VINOD GOEL, J. (ORAL)

Crl.M.A. 15066/2017 (exemption)

Exemption allowed subject to all just exceptions.

Application is disposed of.

W.P.(CRL) 2617/2017

1. Notice. Learned ASC, who appears on an advance copy having been served, accepts notice.
2. Notice to respondent no. 2 also. She appears in person and accepts notice. She is duly identified by IO SI Umesh Yadav.
3. The petitioners have invoked the writ jurisdiction of this court under Article 226 & 227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (in short 'Cr.PC') for

quashing of the FIR bearing No. 360/2016, registered on 27.03.2016 against them with Police Station Tilak Nagar, West District, Delhi, under Sections 380/420/448/120B/34 IPC on the complaint of respondent No.2.

4. As per the case of the prosecution, the petitioner No.1, after selling his built up property bearing No.WZ-61, Second Floor, Guru Nanak Nagar, New Delhi-110018 consisting of Khasra No.16/3 measuring 150 square yards on 15.03.2011 by registered sale deed to the complainant/respondent No.2 and his wife, had illegally trespassed and occupied the said property in collusion with petitioners No.2 to 4 on 31.08.2013 and took away their household articles. The respondent No.2 had filed civil suit bearing No.608/2016 before the court of learned ADJ-5, Tis Hazari Courts, Delhi.
5. On making a reference by the court of ADJ-05 (West), Tis Hazari Courts, Delhi, the parties had appeared before the Delhi Mediation Centre, Tis Hazari, Delhi. On 07.06.2017, the parties had amicably resolved and settled all their disputes before the Ld. Mediator.
6. As per the settlement, the petitioners had agreed to handover the peaceful possession of the said property and pay a total sum of Rs.1,50,000/- to the respondent No.2 in full and final settlement of his claim. The respondent No.2/complainant present in the court states that pursuant to the settlement he had received Rs.1,50,000/- by cash from the petitioners. He submits that he had been delivered actual physical possession of the said property by the petitioners. He submits that he had withdrawn his civil suit filed against the petitioners from the court of ADJ-05 (West), Tis Hazari Courts, Delhi. The respondent

No.2 submits that in view of the settlement, he does not want to pursue the said FIR. He submits that the said FIR may be quashed.

7. Learned ASC through the IO submits that charge sheet has so far not been filed.
8. The Hon'ble Supreme Court in *Gold Quest International (P) Ltd. v. State of T.N., (2014)* after analysing the ratio laid down in *B.S Joshi v State of Haryana (2003) 4 SCC 675*, *Nikhil Merchant v CBI (2008) 9 SCC 677* and *Gian Singh v State of Punjab (2012) 10 SCC 303*, substantiated the nature of cases in which FIR can be quashed and held as under:-

“8. In view of the principle laid down by this Court in the aforesaid cases, we are of the view that in the disputes which are substantially matrimonial in nature, or the civil property disputes with criminal facets, if the parties have entered into settlement, and it has become clear that there are no chances of conviction, there is no illegality in quashing the proceedings under Section 482 CrPC read with Article 226 of the Constitution. However, the same would not apply where the nature of offence is very serious like rape, murder, robbery, dacoity, cases under the Prevention of Corruption Act, cases under the Narcotic Drugs and Psychotropic Substances Act and other similar kind of offences in which punishment of life imprisonment or death can be awarded. After considering the facts and circumstances of the present case, we are of the view that the learned Single Judge did not commit any error of law in quashing the FIR after not only the complainant and the appellant settled their money dispute but also the other alleged sufferers entered into an agreement with the appellant, and as such, they too settled their claims.”

9. In the present case since the dispute was of a civil nature arising out of a transfer of property, there is hardly any chance that the accused will be convicted in view of the settlement arrived at between the parties. In view of the principle laid down by the Hon'ble Supreme Court in ***Gold Quest International's case (supra)***, no fruitful purpose would be served in pursuing the said FIR. Hence, to secure the ends of justice, the FIR bearing No. 360/2016, registered on 27.03.2016 with Police Station Tilak Nagar, West District, Delhi, under Sections 380/420/448/120B/34 IPC and proceedings arising out of the said FIR are hereby quashed subject to the petitioners depositing a sum of Rs.20,000/- as costs with the Prime Minister's Relief Fund within a period of four weeks from today. Copy of receipt be filed within two weeks thereafter and copy of the same be also supplied to the IO.
10. The petition is disposed of accordingly.
11. ***DASTI.***

(VINOD GOEL)
JUDGE

SEPTEMBER 12, 2017
"sandeep"