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

+ W.P.(CRL) 2764/2017

SH BRAJESH KUMAR Petitioner
Through Mr.Sushil Kumar, Adv.

versus

THE STATE & ORS Respondents
Through Mr.Piyush Singhal, Adv. for
Mr.Ashish Aggarwal, ASC.
SI Balbir Singh DIU/SD.
Mr.Satya Saharawat, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **21.09.2017**

Crl.M.A.15852-53/2017 (Exemptions)

Exemptions allowed subject to all just exceptions.

Applications stand disposed of.

W.P.(Crl.) 2764/2017

The petitioner has sought quashing of the FIR No.866/2014 dated 31.10.2014 (PS Safdarjung Enclave) instituted for the offence under section 420 of the IPC.

It has been submitted that the petitioner was an employee of the complainant/respondent no.2 and worked with him from 05.08.1996 till about 2014 when he left the job because of some dispute between the employer and the employee.

The subject FIR was lodged at the instance of respondent no.2 for misrepresentation of facts and figures regarding finances and expenditure.

The petitioner also filed a case in the Industrial Disputes Act, 1947 before the Labour Court, Kakardooma Court, Delhi and also sought compensation from the concerned authority under the Delhi Shop and Establishment Act, 1954.

During the course of investigation of the present case, the dispute between the petitioner and the respondent no.2 were settled. It was agreed upon between them that cases lodged by the petitioner before the Labour Court and before the Deputy Labour Commissioner, Pushp Vihar for compensation under the Delhi Shop and Establishment Act, 1954 would be withdrawn and respondent no.2 shall facilitate the quashing of the subject FIR. It was also made clear by the aforesaid agreement that no monetary compensation would be given to either the petitioner or respondent no.2 for quashing of the FIR. The aforesaid agreement has been brought on record as Annexure B to the petition.

The parties are present in the Court today who have been identified by their respective counsels.

Considering the fact that the dispute has been settled and no amount is due either in favour of respondent no.2 or the petitioner, this Court is inclined to quash the subject FIR.

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.866/2014 dated 31.10.2014 (PS Safdarjung Enclave) instituted for the offence under section 420 of the IPC and all the emanating proceedings therefrom are quashed.

The petition is disposed of.

ASHUTOSH KUMAR, J

SEPTEMBER 21, 2017
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