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

+ **W.P.(CRL) 2892/2017**

VIPIN SACHDEV & ANR Petitioners
Through: Mr.Nishant Solanki, Adv.

versus

STATE & ORS Respondents
Through: Mr.R.S.Kundu, ASC with
Mr.Prem Sagar Pal and
Mr.Bhagat Singh, Advs.
SI Naveen, P.S.Rani Bagh.

CORAM:
HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER
% **13.10.2017**

CRL. M.A.16805/2017 (Exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(CRL) 2892/2017

The petitioners, who are the husband and wife, have sought quashing of FIR No.319/2017 dated 11.09.2017 (P.S.Rani Bagh) instituted for the offences under Sections 420/120B and 34 of the IPC.

The petitioners are alleged to have advertised for conducting a course under the name and style of M/s.Paradise Air Service Solution of which the petitioner No.1 was the sole proprietor. An advertisement was put up by the petitioners, asking students to enroll themselves for

undertaking four months training on payment of Rs.70,000/- as fee for getting trained for being employed at the Airport. There is no allegation in the FIR that no training was given to them. All that has been alleged is that after the training was over, the placement which could be arranged for the victims/students who had enrolled with the training institute of the petitioners, was of a lesser quality. Some of them were asked to work in Coffee shops for a monthly salary of Rs.10,000/- per month. When the students felt cheated, the subject FIR was lodged.

During the course of investigation, the petitioners settled the dispute with all the students who felt cheated and agreed to return 50% of the fee which was collected from them. As a result of aforesaid settlement, 17 students were paid Rs.35,000/- each. They (the students) have no grievance now against the petitioners.

The petitioners who are present in person submit that the institute has now been closed. The petitioner No.1 has stated that he trained the students to the best of his ability and also made serious attempts to have them placed at proper places. Only because the students had great expectations about their placement, that the subject FIR was lodged.

Considering the fact that four months training was given to the students and now that half of the fee has been returned to each of the students who had enrolled themselves with the institute and the said students are not desirous of prosecuting the petitioners any further, this Court is of the view that no useful purpose would be served in keeping the investigation of this case pending any further.

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, FIR No.319/2017 dated 11.09.2017 (P.S.Rani Bagh) instituted for the offence under Sections 420/120B and 34 of the IPC and all the emanating proceedings therefrom are quashed.

The petition is disposed of.

ASHUTOSH KUMAR, J

OCTOBER 13, 2017

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