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

+ W.P.(CRL) 2900/2017

SAGAR

..... Petitioner

Through: Mr.Omkar, Adv.

versus

STATE & ANR

..... Respondents

Through: Ms.Richa Kapoor, ASC with  
Mr.Ashish Negi, Adv.

SI Veer Pal Singh, P.S.Tilak Nagar.

**CORAM:**

**HON'BLE MR. JUSTICE ASHUTOSH KUMAR**

**ORDER**

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**08.11.2017**

**Crl.M.A. No.16863/2017 (Exemption)**

Exemption allowed subject to all just exceptions.

Application stands disposed of.

**W.P.(CRL) 2900/2017**

The petitioner seeks quashing of FIR No.663/2016 dated 06.09.2016 (P.S.Tilak Nagar) instituted for the offence under Section 420/34 of the IPC.

The petitioner had obtained a loan from the complainant/respondent No.2 of an amount of Rs.3 lakhs. He tried to return the aforesaid amount by a cheque which was, though, signed by him but it was from the account of an associate of the petitioner. As such, the cheque delivered by the petitioner was dishonoured.

Hence the subject FIR under Section 420/34 of the IPC.

During the course of investigation, the dispute between the parties

was settled.

The petitioner agreed to pay an amount of Rs.2,20,000/- towards full and final settlement; which offer was accepted by respondent No.2. As part of the arrangement, Rs.1,20,000/- was paid by the petitioner to the respondent No.2. This assertion of the petitioner has been ratified by respondent No.2, who is present in Court. The petitioner is ready to and has handed over an amount of Rs.1,00,000/-, in cash, to respondent No.2 in Court which she has accepted on satisfaction.

The respondent No.2 submits that after she has been paid the amount referred to above, she is not desirous of prosecuting the petitioner or his associate from whose account the cheque was given.

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.663/2016 dated 06.09.2016 (P.S.Tilak Nagar) instituted for the offence under Section 420/34 of the IPC and all the emanating proceedings therefrom are quashed.

The petition is disposed of.

**ASHUTOSH KUMAR, J**

**NOVEMBER 08, 2017/k**