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

+ **W.P.(CRL) 3227/2017**

SEEMA TULI & ORS

..... Petitioners

Through: Mr.Rajeev Mehra and Ms.Shama
Choudhary, Advs.

versus

THE STATE GOVT OF NCT OF DELHI & ANR..... Respondents

Through: Mr.Sanjay Lao, ASC.
Ms.Shalini, Adv. for R-2.
SI Pankaj Kumar, P.S.Shalimar Bagh.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **20.11.2017**

CRL. M.A.19010/2017 (Exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(CRL) 3227/2017

The petitioners seek quashing of FIR No.329/2016 dated 28.04.2016 (P.S.Shalimar Bagh) instituted for the offences under Sections 420/406 and 120B of the IPC.

The petitioners were conducting a kitty committee, where money was deposited by many of the investors for taking loan at particular time. When the investors learnt that the petitioners are winding up the kitty committee, the subject FIR was lodged.

This Court has been informed that several FIRs were lodged by different investors. Mr.Sanjay Lao, learned ASC has informed this Court that all other FIRs have been quashed by a Coordinate bench of this Court on the strength of settlement and the petitioners have returned the amount to the respondent.

As per the settlement before the Mediation Centre of Rohini District Court, it was agreed upon that the petitioners shall pay a total amount of Rs.1,50,000/- to the respondent No.2/complainant. Out of the aforesaid amount, Rs.1,00,000/- has already been paid. The petitioners are ready with a draft of Rs.50,000/-, copy of which has been placed on record. The draft has been given to the respondent No.2, who is present in Court and has accepted the same on her satisfaction.

The petitioners have been identified by their counsel. The respondent No.2 has been identified by her counsel and SI Pankaj Kumar.

Taking into account the aforesaid facts viz. the settlement of disputes between the parties, respondent No.2 having been completely recompensed and the other connected FIR having been quashed by a Coordinate Bench of this Court, this Court is of the opinion that no useful purpose would be served in allowing the investigation of the present case to be continued 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, the FIR No.329/2016 dated 28.04.2016 (P.S.Shalimar Bagh) instituted for the offences under Sections 420/406 and 120B of the IPC and all the emanating proceedings therefrom are quashed.

ASHUTOSH KUMAR, J

NOVEMBER 20, 2017

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