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

+ **CRL.M.C. 4952/2017 CRL.M.A. 19648/2017**

ROHIT CHAWLA

..... Petitioner

Through

Mr. Vidit Gupta, Ms. Harleen Singh,
Mr. Prakash Pandey, Advs. with
petitioner in person.

versus

STATE & ORS

..... Respondent

Through

Mr. Panna Lal Sharma, APP for State
with Insp. Prem Chandra PS Crime
Branch, Dwarka, New Delhi
R2, R3 & R4 in person.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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28.11.2017

CRL.M.A. 19648/2017

CRL.M.A. 19648/2017 is an application filed on behalf of the petitioner seeking exemption from filing certified / types / original copies of the charge sheet. The same is allowed, subject to just exceptions.

The application is disposed of.

CRL.M.C. 4952/2017

The IO of the case has identified the petitioner Rohit Chawla s/o Sh. Krishan Chawla as the accused of the FIR No. 819/14, registered at PS Rajouri Garden, under Sections 420/468/471/506/120-B of the Indian Penal Code, 1860 and has also identified the respondent no. 2 / the complainant Mr. Daljeet Singh s/o Late Sh. Kanwaljit Singh, the respondent no. 3 Mr. Babandeep Singh s/o Sh. Rajinder Singh and respondent no. 4 Mr. Rupinder Singh s/o Sh. Jaswant Singh, stated victims of the said FIR.

Vide the present petition the petitioner seeks quashing of the FIR No. 819/14, registered at PS Rajouri Garden, under Sections 420/468/471/506/120-B of the Indian Penal Code, 1860 submitting *inter alia* to the effect that a settlement has since been arrived at between the petitioner and the respondents no. 2, 3 & 4. It has also been averred in the petition that the closure report has been filed by the IO, which factum has also been affirmed by the IO in the statement made today.

The complainant Mr. Daljeet Singh s/o Late Sh. Kanwaljit Singh in his statement has testified that he has received a total sum of Rs.50 lacs from the petitioner Rohit Chawla s/o Sh. Krishan Chawla and the respondent no. 3 Mr. Babandeep Singh s/o Sh. Rajinder Singh and respondent no. 4 Mr. Rupinder Singh s/o Sh. Jaswant Singh have also testified that they have received a sum of Rs.12.5 lacs each from the petitioner Rohit Chawla s/o Sh. Krishan Chawla. They have further testified to the effect that they have no claims of theirs left against the petitioner in relation to the FIR in question and they do not oppose the prayer made in the petitioner seeking quashing of the FIR No. 819/14, registered at PS Rajouri Garden, under Sections 420/468/471/506/120-B of the Indian Penal Code, 1860.

Learned APP for the State also in the circumstances of the case does not oppose the prayer made by the petitioner seeking quashing of the FIR No. 819/14, registered at PS Rajouri Garden, under Sections 420/468/471/506/120-B of the Indian Penal Code, 1860.

Taking into account the statement made by the complainant Mr. Daljeet Singh s/o Late Sh. Kanwaljit Singh and the respondent no. 3 Mr. Babandeep Singh s/o Sh. Rajinder Singh and respondent no. 4 Mr. Rupinder Singh s/o Sh. Jaswant Singh that they have no claims of theirs left against

the petitioner in relation to the FIR in question and that they do not oppose the prayer made in the petition seeking quashing of the FIR No. 819/14, registered at PS Rajouri Garden, under Sections 420/468/471/506/120-B of the Indian Penal Code, 1860 and the factum that there is no reason to disbelieve that the statements that have been made by the respondents no. 2, 3 & 4 have been made voluntarily of their own accord without any duress or coercion from any quarter and as the averments made in the FIR in question indicate that the dispute has arisen pursuant to a commercial dispute, which is stated to have been settled, in view of the verdict of the Hon'ble Supreme Court in ***Gian Singh vs. State of Punjab & Another***, (2012) 10 SCC 303, to the effect : -

*“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.]”

(emphasis supplied)

and it is thus considered appropriate in the interest of justice that the prayer made by the petitioner seeking quashing of the FIR No. 819/14, registered at PS Rajouri Garden, under Sections 420/468/471/506/120-B of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom is allowed, which is thus accordingly allowed, and the FIR No. 819/14, registered at PS Rajouri Garden, under Sections 420/468/471/506/120-B of the Indian Penal Code, 1860 and all consequential proceedings emanating therefore are quashed.

The petition is disposed of.

ANU MALHOTRA, J

NOVEMBER 28, 2017/MK