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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 429/2018**

STAR INFRATECH P. LTD. & ORS. Petitioner

Through: Mr. Amit Khanna, Adv.

versus

STATE OF NCT OF DELHI & ANR. Respondent

Through: Mr. Izhar Ahmad, APP for State with
SI Manoj Kumar, PS Amar Colony.
Mr. Raj Vardhan, Adv. for R-2.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

29.01.2018

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Vide the present petition, the petitioner seeks quashing of FIR No.548/2017, registered at PS Amar Colony, under Sections 420/406/34 Indian Penal Code, 1860 and all consequential proceedings emanating therefrom submitting to the effect that the petitioner and the respondent no.2 have arrived at a settlement *inter se* and no purpose would be served by further continuation of the proceedings in relation to the FIR in question.

As the offences punishable under Section 420/406/34 Indian Penal Code, 1860 are per se compoundable, in reply to a specific Court query learned counsel for the petitioner submits that the present petition has been filed seeking the quashing of the FIR No. 548/2017 PS Amar Colony, as the charge-sheet has not been filed, as in terms of the settlement arrived at between the respondent no.2 and the petitioner, the amount claimed by the

respondent no.2 to the tune of Rs. 27.50 lacs has already been paid by the petitioners to the respondent no.2.

Learned APP for State in reply to another Court query has put forth that the filing of the charge-sheet would take about a month and further submits that there is no opposition on behalf of the State to the prayer made by the petitioner seeking quashing of the FIR in question in view of the settlement arrived at between the parties.

Taking into account the factum that the Investigating Officer submits that the filing of the charge-sheet will take a month and the offences punishable under Section 420/406/34 Indian Penal Code, 1860 are per se compoundable and taking into account also the settlement arrived at between the respondent no.2 and the petitioners, the matter has been taken up for consideration.

The Investigating Officer of the case present today in Court has identified the petitioner no. 2 Shri Sandeep Soni, s/o Shri Amrit Pal Soni and the petitioner no.2 Shri Navneet Singh, the Directors of petitioner no.1 M/s Star Infratech Pvt. Ltd., as being the three sole accused arrayed in FIR No.548/2017, registered at PS Amar Colony, under Sections 420/406/34 Indian Penal Code, 1860 and he also has identified the respondent no. 2 Mr. Rajeev Verma, s/o late Shri C.R. Verma as being the complainant of the FIR in question, present today in Court.

The respondent no.2, the complainant of the said FIR in his testimony on examination on oath by the Court, has affirmed having sworn his affidavit annexed to the petition as Ex.CW2/A and further testified to the effect that a settlement has been arrived at between the petitioners and himself, copy of which is on the record as Ex.CW2/B, voluntarily of his own

accord without any duress, pressure or coercion from any quarter and has further testified to the effect that in terms of the settlement arrived at between him and the petitioners, he has already received a total sum of Rs. 27.50 lacs from the petitioner nos. 1 to 3 of and that there are no claims of his due against the petitioners in relation to the FIR in question and thus he does not oppose the prayer made by the petitioners seeking quashing of the FIR in question.

In view of the deposition of the respondent no.2, there is no reason to disbelieve his statement that he has arrived at the settlement voluntarily of his own accord without any duress, coercion or pressure from any quarter.

Taking into account the statement made by the respondent no.2 and the submissions made on behalf of the either side and the settlement dated 10.01.2018 between the petitioners and the respondent no.2, in view of the observations in 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)

inasmuch as the dispute between the petitioners and the respondent no.2 emanates from a commercial transaction which dispute has since been resolved in view of the settlement dated 10.01.2018, copy of which is CW2/B and taking into account the non-opposition from the State to the prayer made by the petitioner seeking quashing of the FIR in question, for maintenance of peace and harmony between the petitioners and the respondent no.2 and as no useful purpose would be served by the continuation of the proceedings in the instant FIR against the petitioners, it is considered appropriate to allow the prayer made by the petitioner seeking

quashing of the FIR No.548/2017, registered at PS Amar Colony, under Sections 420/406/34 Indian Penal Code, 1860 and all the consequential proceedings emanating therefrom against the petitioner.

In view thereof the FIR No.548/2017, registered at PS Amar Colony, under Sections 420/406/34 Indian Penal Code, 1860 and all the consequential proceedings emanating therefrom against the petitioner no.1 M/s Star Infratech Pvt. Ltd. the petitioner no. 2 Shri Sandeep Soni, s/o Shri Amrit Pal Soni and the petitioner no.3 Shri Navneet Singh, the Directors of the petitioner no. 1 are quashed.

The petition is disposed of.

ANU MALHOTRA, J

JANUARY 29, 2018

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