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S-35/36

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

+ CRL.M.C. 1739/2017 & Crl. M.A. no. 7064/2017

NANAK CHAND SAINI & ORS Petitioners

Through Mr. Tanmay Mehta and Mr. Ankur Saini, Advs.

versus

STATE OF NCT OF DELHI & ANR Respondents

Through Mr. M.S. Oberoi, APP with SI Jaivind Kumar, P.S. Kalyanpuri for the State

AND

+ CRL.M.C. 1740/2017

MANOJ Petitioner

Through Mr. Shekhar Nanavaty, Adv.

versus

STATE NCT OF DELHI & ORS Respondents

Through Mr. M.S. Oberoi, APP with SI Jaivind Kumar, P.S. Kalyanpuri for the State

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **22.02.2018**

Petitioner Manoj (accused) has filed Crl. M.C. No. 1740/2017 for quashing of the FIR No. 87/2012 under Sections 392/328/34 registered at Police Station Kalyanpuri on the complaint of Shri Nanak Chand Saini (respondent no. 2). Respondent nos. 3 and 4 were also involved in the property transactions with respondent no. 2. A perusal of FIR shows that

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disputes arose in respect of sale transaction of HIG Flat no. S-2/703, Vasant Kunj, New Delhi, which led to registration of the aforesaid FIR.

Petitioner Nanak Chand Saini, Kul Bhushan Sachdeva and Ashok Kumar Singh (respondents/complainants in Crl. M.C. No. 1840/2017) have filed Crl. M.C. No. 1739/2017 for quashing of complaint case no. 47795/16, which was filed by the respondent no. 2 Manoj (petitioner/accused in Crl. M.C. No. 1740/2017), pending in the Court of Ms. Shivali Sharma, CMM, Karkardooma Courts, Delhi. Aforesaid complaint case also arose from the property disputes, which led to registration of the aforesaid FIR.

It is submitted that Nanak Chand Saini, Kul Bhushan Sachdeva, Ashok Kumar Singh and Manoj have amicably settled their disputes, vide Settlement Agreement dated 15th April, 2017; therefore, aforesaid FIR and the consequent proceedings emanating therefrom as also the complaint case may be quashed. Nanak Chand Saini, Kul Bhushan Sachdeva, Ashok Kumar Singh and Manoj are present in Court and have been identified by SI Jaivind Kumar of police station Kalyanpuri. All these persons state that they have settled their disputes amicably of their own free will and without any undue force, pressure or coercion. They are not willing to pursue their respective cases. Accordingly, FIR as well as criminal complaint case may

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be quashed.

Learned APP for State opposes quashing of the FIR on the pretext that allegations are serious in nature, inasmuch as offence under Section 3(10) of the SC/ST Act are involved; therefore, FIR may not be quashed.

Per contra, learned counsel for the complainants/accused have contended that to put a quietus to the disputes between the parties, Court can quash the FIR in respect of non-compoundable offence including the offence under the SC/ST Act. It is further contended that FIRs registered under Section 3 of the SC/ST Act have been quashed by the learned Single Judges of this Court in petitions under Section 482 Cr.P.C. Reliance has been placed on judgment dated 18th December, 2015 passed in Crl. M.C. 3649/2015 titled Om Prakash Sharma & Ors. vs. State & Anr., judgment dated 30th September, 2015 passed in Crl. M.C. 4053/2015 titled Aaley Mohd. Iqbal and Ors. vs. State NCT of Delhi and Anr., judgment dated 16th February, 2016 passed in Crl. M.C. No. 903/2013 titled Jeetwani & Ors. vs. State of Delhi & Ors. and judgment dated 2nd March, 2016 passed in Crl. M.C. 909/2016 titled Kiran Bala vs. State of NCT of Delhi & Anr.

In the cases referred above, it was held that even though offences are not compoundable and of serious nature, the Court can still quash the FIR.

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when it feels that continuation of the criminal proceedings would tantamount to abuse of process of law and justice demands that the disputes between the parties are put to an end and peace is restored. In this case, parties were known to each other. Disputes arose between them in respect of the property deal. Now, they have settled their disputes amicably in order to put a quietus to all their disputes between them, which are involved in the complaint and the FIR.

In the totality of facts and circumstances of this case, I am of the view that no fruitful purpose would be served to keep the criminal proceedings pending and continuation thereof will result in ~~misuse~~^{abuse} of process of law. Accordingly, in the interest of justice, aforesaid FIR and the consequent proceedings emanating therefrom as well as aforesaid criminal complaint case are quashed.

Both the petitions are disposed of in the above terms. Miscellaneous application is disposed of as infructuous. Dasti.


A.K. PATHAK, J.

FEBRUARY 22, 2018
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