

\$~24

IN THE HIGH COURT OF DELHI AT NEW DELHI

Decided on:- 20th August, 2018

+ CRL. M.C. 3357/2016 & Crl.M.A. Nos. 14227-28/2016

C NATESAN & ORS.

..... Petitioners

Through: Mr. Kuldeep Mansukhani, Adv.

versus

NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Ravi Nayak, APP for the
State with SI Gulshan Yadav,
EOW.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER (ORAL)

1. The petitioners have approached this Court by the petition under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) to seek quashing of the proceedings in the criminal case arising out of FIR No. 186/1999 under Sections 406/420/120B of Indian Penal Code, 1860 (IPC) of police station Lajpat Nagar, New Delhi which is pending in the Court of Chief Metropolitan Magistrate, South-East, New Delhi, primarily on the grounds that they had settled the dispute with the second respondent and were ready and willing to settle the dispute with the other victims of the crime alleged in the case. Though, from the documents, it does appear that the claim of the second respondent has been satisfied by payment of the amount to the extent of which she had suffered wrongful loss, the status report

accompanied by documents submitted by the State reveals that the case involves not only the second respondent as the victim but also 672 other investors who were similarly cheated. The contention of the petitioners is that the third petitioner (company) is presently under liquidation, in proceedings pending before Madras High Court. Be that as it may, it is for the petitioners to approach the other victims to satisfy their respective claims. The readiness and willingness to settle by itself does not mean the proceedings before the trial court should be stalled or quashed.

2. Given the fact that the case involves economic offences *vis-à-vis* such large number of victims, it cannot be said that it is one with overwhelming or predominant element of a civil dispute between two private individuals. Therefore, this Court does not find it to be a case where the inherent power under Section 482 Cr.P.C. ought to be exercised. [see *Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and Others v. State of Gujarat and Another*, (2017) 9 SCC 641]

3. More than the above, there is one more reason why this petition ought not be entertained. The learned Additional Public Prosecutor placed before the court, copy of the order dated 13.10.2015 whereby similar petition moved earlier by the same very set of petitioners (Crl.M.C. 369/2015) had been dismissed by a learned single Judge of this Court. On being asked, the counsel representing the petitioners submitted that he was not aware of such earlier petition or its result and, therefore, no reference was made to the said earlier endeavour to have the proceedings quashed. Suppression of such material facts in

the petition also impels this Court to dismiss the petition at hand.
Ordered accordingly.

4. The pending applications are rendered infructuous and are disposed of accordingly.

R.K.GAUBA, J.

AUGUST 20, 2018

nk

