

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

Reserved on : 26.09.2019
% **Pronounced on : 17.12.2019**

+ **CRL.M.C. 3229/2019 & CRL. M.A. 13309/2019**

ROHIT VALECHA & ORS. Petitioners

Through **Ms. Gita Dhingra, Adv. with**
petitioner No.1 in person.

versus

STATE & ANR Respondents

Through **Mr. Amit Ahlawat, APP for State**
with **SI Rachna, P.S. Mukherji Nagar.**
Mr. Pawan Verma, Adv. for R-2.

CORAM:
HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

JUDGMENT

1. The petitioners have filed the present petition for setting aside the impugned order dated 06.12.2016 passed by the Ld. MM Mahila Court and order dated 16.01.2019 passed by the Ld. A.S.J. upholding the order dated 06.12.2016. The petitioners also seek quashing of the FIR No.114/2012 registered at P.S. Mukherje Nagar U/s 498A/406 IPC.

2. In brief the facts of the case are that petitioner No. 1 and respondent No. 2 got married on 26.02.2009. The FIR in the present case was registered on 19.04.2012 on the complaint dated 28.12.2010 made by the complainant (respondent No. 2 herein) to the SHO, Police Station Inderpuri, wherein she stated that she had also lodged a complaint of quarrel at No. 100 against her husband on 14.11.2010. She further stated that today (i.e. on 28.12.2010) the petitioners quarreled with her and in the presence of her in-laws her husband caught hold of both her arms various times and assaulted with legs on her stomach. Respondent No. 2 tried to save herself and ran inside a room and after locking it made a call at No. 100. Thereafter police arrived at the house and police took the respondent No. 2 and petitioner No. 1 to the police station.

3. According to the complainant (respondent No. 2 herein) the quarrel had taken place on that day as a defective tube light was lying in the dustbin which got broke accidentally by petitioner No. 1 who asked respondent no. 2 to clean the same but respondent No. 2 said that she would clean the same after some time as at that time she was cleaning the bathroom. According to respondent No. 2 petitioner No 1 said that if she would not do it then her father would have to come and clean the area. On this respondent No. 2 asked him as to why he was bringing the name of her father in between and on this petitioner No. 1 started quarrelling with her. According to the respondent No. 2 her mother-in-law and father-in-law also came there and they also started quarrelling with respondent No. 2.

4. According to the respondent No. 2 her husband, her sister-in-law, her father-in-law and mother-in-law had started quarrelling with her after the marriage. Respondent No. 2 has alleged that petitioner No. 2, 3 and 4 used to instigate petitioner No. 1 and due to which he used to quarrel with her. According to the respondent No. 2 just after the marriage petitioner No. 4 taunted her that her brother i.e. petitioner No. 1 did not bother about her and had not shown her new hotels and restaurants. It is alleged by respondent No. 2 that her mother-in-law and sister-in-law i.e. petitioner No. 3 and 4 used to taunt her for her black colour and her father-in-law i.e. petitioner No. 2 and her husband (petitioner No. 1) usually taunted and harassed her on the litigation of their property in Wazirpur.

5. According to respondent No. 2 as regards their property in Wazirpur respondent No. 2's bua's son-in-law (damad) namely Ajay Behal was litigating from the opposite side and this case was fought by said Ajay Behal by engaging some senior advocate and it was pending even before the settlement of the marriage of respondent No. 2 and petitioner No. 1. It is alleged that respondent No. 2 was asked various times to persuade Ajay Behal not to contest the case.

6. It is alleged that when respondent No. 2 used to ask the petitioners to fight their case in a professional manner then they all used to start quarrelling with her and they started mentally harassing her on each and every small issue. It is alleged that her mother-in-law i.e. petitioner No. 3 taunted her that she did not know how to cook food and petitioner No. 4 taunted her for her black colour and small hair and also that she did not

know how to dress up and also that she was not a good cook. It is alleged that petitioners used to taunt the respondent No. 2 that her mother had not taught her anything and that she has come from a small family and the bathroom of their house is like slum bathroom and she was not fit for their house. It is alleged that petitioner No. 1, 2 and 3 asked her that for a girl to come to a big house should come in a big car and the parents of the respondent No. 2 should be humble and should remain with folded hands every time and they also used to say that her parents had given very less gold. It is alleged that petitioner No. 1, 2 and 3 used to say that when she would go to her parents house and stay there then she would realize her own status.

7. According to respondent No. 2, one day they quarrelled with her and abused her parents and brothers and even said that she is a prostitute and having relations with many boys and maligned her character. Thereafter, respondent No. 2 called her parents and the petitioners even narrated these words in front of them, so her parents took her to their house where she remained from first / second week of January till Karvachauth. According to respondent No. 2 her parents made her understand and asked her to give another chance to her matrimonial life, so, on the day of karvachauth they left respondent No. 2 in her in-laws house with folded hands but she was again harassed. According to respondent No. 2 her parents had borne expenses of her marriage by their savings so that respondent No. 2 and the petitioners would not have any grievance and besides money parents of respondent No. 2 have given good education and sacraments but that was

not enough for the petitioners and they continued taunting her and harassing her mentally.

8. According to the respondent No. 2 when she reached matrimonial home the petitioners stated that there was a ghost in their house and respondent No. 2 should vacate the house. According to respondent No. 2 when she asked the petitioners to call at No. 100 for removing the ghost, they started harassing her on other issues and also started harassing her for opening a joint account with petitioner No. 1 and they also used filthy language against her. It is alleged that petitioner No.1 used to threaten respondent No. 2 that he is an advocate and is having friendly relations with police, judges and advocates, so respondent No. 2 cannot do anything against them. It is alleged that petitioner No. 1 even threatened that he can get her terminated from her job within minutes. Thereafter on 28.12.2010 respondent No. 2 after getting her medical test done from RML hospital went to her parents house from police station in her wearing clothes alongwith her brother and further stated that detailed application will be submitted by her to Crime Against Women Cell lateron.

9. Respondent No. 2 had made her first complaint to the police vide DD No. 11 A dated 14.11.2010 in which she has stated about her quarrel with her husband (petitioner No. 1). The matter was compromised between the parties and the said DD No. 11 A was filed vide DD No. 21 A dated 14.11.2010.

10. The complaint dated 28.12.2010 is the second complaint which was given by the respondent No. 2 to the police which was converted into present FIR bearing No. 114/2012 dated 19.04.2012.

11. Thereafter, respondent No. 2 made one more complaint dated 01.01.2011 to the DCP Crime Women Cell, contents of which are as follows:-

"Sir,

This is to bring to your kind notice that I got married to Mr. Rohit Valecha R/o Kamal Niwas, C-120 (Front Side,) Inderpuri on 26.02.2009. After marriage my husband and my in-laws started quarrelling with me for dowry and other reasons. They started harassing me mentally and used to abuse and my family verbally calling bad names. They mentally harassed me to the extent that I had to stay at my parents house for about nine months. Thereafter, when I got back to my in-laws house in October 2010, they mentally tortured me and physically beaten me for which complaint to SHO, police Station Inderpuri was made twice. On both the occasions of my complaint my husband told me that since he is an Advocate and Advocate and police are of same fraternity he will use his links of such influential people and will see that nobody can dare touch him even. A complaint to SHO, police station on 28.12.2010 made by undersigned is enclosed for ready perusal. In view of foregoing, I request your good self sir, an urgent action may be taken against Mr. Rohit Valeha and family."

12. After the registration of the FIR investigation went underway and charge sheet was filed. The Complainant (respondent No. 2) also gave another hand written complaint to the police on 07.05.2012 in the form of Annexure "A" which has been made a part of the charge sheet.

13. Vide order dated 06.12.2016, Ld. MM passed the order for framing of charge U/s 498A/34 IPC against all the accused persons and charge U/s 406 IPC against Smt. Vijay Laxmi (petitioner No. 3 herein). The petitioners herein have challenged the said order on charge before the Court of Sessions and the Ld. Sessions Judge vide order dated 16.01.2019 upheld the impugned order on charge dated 06.12.2016 passed by the Ld. MM and dismissed the revision petition filed by the petitioners.

14. It is urged by the Ld. counsel for the petitioners that the complaint dated 07.05.2012 in the form of Annexure "A" was made belatedly after about 16 months of the first complaint dated 28.12.2010 in which false, frivolous and vague allegations of demand and entrustment were made by the complaint (respondent No. 2) and she has roped the entire family without there being any foundation in any of the previous complaints. It is further urged that all the allegations made by the respondent No. 2 are not specific. It is further urged that there were no allegations of any refusal by the petitioners to return the jewellery items of the complainant (respondent No. 2) and all the dowry articles have been returned by petitioner No. 1 to respondent No. 2 at P.S. Mukherjee Nagar.

15. It is further urged that all the admitted articles were returned in pursuance to the order of this court. It is further urged that there is no mention of demand of Rs. 15 Lakh by the petitioners in all the initial complaints filed by the respondent No. 2 and only in her complaint dated 07.05.2012 these allegations were made for the first time. It is submitted

that the petitioner No. 4 has been falsely implicated as petitioner No. 4 had gone on 14.11.2010 to give her UCO Bank entrance exam when the PCR call was made and this fact has been admitted by the respondent No. 2 in her cross examination dated 14.08.2018 before the Family Court.

16. It is further urged that the allegations of demand of car are also vague and no such allegations are there in the complaint dated 14.11.2010 and 28.12.2010 which were the two initial complaints made by the respondent No. 2. It is further urged that petty household disputes have been converted by respondent No. 2 into the offences U/s 406/498A IPC and she has also admitted in her cross examination dated 14.08.2018 before the family Court that she has never filed any application for opening the joint account with petitioner No. 1.

17. It is further submitted that the complainant (respondent No. 2) was suffering from chronic genital herpes prior to her marriage and this fact was concealed from the petitioners at the time of marriage and the prosecution had also filed complete medical prescriptions and blood report alongwith the charge sheet. He further urged that the complainant has falsely implicated the petitioners in this case to compel petitioner No. 1 not to raise this issue of concealment of disease by the complainant at the time of her marriage. Further arguments of the Ld. counsel for the petitioners are that there are no allegations of entrustment of any specific jewellery to any of the petitioners and no specific date of entrustment or refusal has been spelt out. It is further submitted that there is not even an iota of evidence against the petitioners and the supplementary statements / complaints made by the

complainant / respondent No. 2 cannot be considered for framing of the charges and this is a fit case for the exercise of jurisdictions by this Court U/s 482 Cr.P.C.

18. On the other hand, it is submitted by the Ld. APP for the state, assisted by the Ld. counsel for the respondent No. 2 that all the contentions as raised by the counsel for the petitioners are matter of trial and there are specific allegations in the complaint dated 07.05.2012 which is in the form of Annexure "A" which are enough for framing of charges against the petitioners. It is further submitted that since reconciliation proceedings were going on in the CAW Cell, therefore, neither the detailed complaint was lodged nor list of dowry articles was filed before the police as the respondent No. 2 was hopeful of reconciliation. It is further urged that when the reconciliation talks failed and the matter was sent to police station for registration of the FIR, it is then that the respondent No. 2 gave a detailed statement in the form of supplementary statement dated 07.05.2012 which is annexure "A". It is further urged by the Ld. APP for the state that at the time of marriage no receipt of istridhan articles was given by the petitioners and though the petitioners have returned some articles in pursuance of the order of the Hon'ble High Court but they have not deliberately returned the costly items.

19. The respondent No. 2 has made first complaint on 14.11.2010 which was recorded as DD No. 11 A in which she had made allegations that her husband (petitioner No. 1 herein) abused and harassed her. Thereafter the second complaint was made by the respondent No. 2 on

28.12.2010 to the SHO, police station Inderpuri narrating about the disputes and quarrel between her and the petitioners and the beatings given to her. In this complaint, she has categorically stated that she will submit a detailed application to the Crime Against Women Cell at a later stage. It is evident from the record that on the basis of this complaint, the FIR was registered on 19.04.2012 and the matter was sent to CAW Cell. Thereafter respondent No. 2 gave a detailed handwritten complaint dated 07.05.2012 which is annexure "A" which is also the part of the charge sheet. In this complaint she has further elaborated about the conduct of the petitioners, demands and cruelties meted out to her by the petitioners.

20. I have perused the impugned order dated 16.01.2019, passed by the Ld. Sessions Judge and the complaint dated 07.05.2012, which is annexure "A" and is the part of the charge sheet. The Ld. Sessions Judge vide impugned order dated 16.01.2019 has rightly observed that the respondent No. 2 in her detailed complaint which is annexure "A" besides the allegations of mental cruelty against all the petitioners/accused has stated that during her honeymoon accused Rohit Valecha for the first time told her about the dispute qua the properties left behind by his grandfather and pendency of court case between his father Sh. J.L. Valecha and other siblings of his father. She further stated that Valecha family started pressing her and her family members to talk to Sh. Ajay Behal Advocate, who was contesting the case against Sh. J.K. Valecha on behalf of his siblings, as Sh. Ajay Behal was related to her family. They also pressurized her to call upon Sh. Ajay Behal to some how get the

settlement recorded between J.K. Valecha and his siblings. She was asked by her husband, father-in-law, mother-in-law and sister-in-law to talk her parents to break all their relations with Sh. Ajay Behal as he was fighting case against them. They also repeatedly insisted her to talk to her parents and ask them to talk to Sh. Ajay Behal to get the probate case of the Will of the grandfather of Rohit Valecha settled and in fact repeatedly restrained her and her parents for not talking to Sh. Ajay Behal. They also kept on cribbing to her that car brought by her in the marriage was a small car not befitting reputation of an Advocate earning Rs. 2 lacs. p.m. She also stated that her husband and in laws used to taunt her over trivial issues and further her husband and her in-laws would tell her till such time Ajay Behal did not get the family matter of her in-laws settled, she would not be treated as a daughter in law so much so that her husband even refrained from coming to bed room to sleep at night. She also stated that her mother-in-law and father-in-law repeatedly forced her to join her husband's name in her salary account. She also alleged that she was repeatedly humiliated on various occasions and her in laws and sister-in-law also used to go to the extent of stating that goods given by her in-laws on various occasions were equal to goods given by her in laws to servants and beggars. She also levelled the allegations that she was taunted for her daily diet by the accuse persons. Finally the court case was settled after payment of Rs. 15 lacs to the opposite party. Her sister-in-law also asked her to that she must return the amount of Rs. 15 lacs paid by her in laws to settle the property dispute in the Court as the said amount was paid only because of Sh. Ajay Behal. She was also

physically assaulted due to which she was forced to take police protection. When her parents went to her in-laws house to inquire about the beatings, instead of sorting out the things, her husband and father-in-law abused her parents and told them that she can be taken in the matrimonial home only after her parents pay the amount of Rs. 15 lacs which her in-laws had paid to settle the Court case and even refused to permit her to take her daily wearing clothes and other articles. Left with no alternative she had to take recourse of police help and filed the complaint to the police finally on 16.1.2011, 22.01.2011 and 28.02.2011. However, despite repeated efforts her in-laws did not return back even a single article belonging to her.

21. In annexure "A" she has also stated that soon after she reached her matrimonial home after completing the marriage rituals on 27.02.2009 she and Rohit Valecha were asked to go to first floor of the house, where she was informed that all the gifts etc. had been placed by Valecha family and they were asked to take rest. At that point of time her mother-in-law Smt. Vijay Luxmi Valecha asked her that she should hand over her jewellery gifts to her except ear rings, chain and bangles which she was wearing so that same could be kept in safe custody as she was leaving for honeymoon in few days and there were number of relatives and other persons and accordingly she duly handed over her entire jewellery to Smt. Vijay Luxmi Valecha.

22. The Ld. Sessions Judge vide impugned order dated 16.01.2019 has also rightly observed that there is mention about the property dispute and

Ajay Behl and demand of big car in the complaint dated 28.12.2010. In this complaint she also stated that her father-in-law and husband used to taunt her over the case pertaining to property since Sh. Ajay Behl was representing the opposite side. She was often asked to pressurized Sh. Ajay Behl.

23. It has been vehemently argued by the counsel for the petitioners that the statement dated 07.05.2012 which is annexure "A" has been filed by the respondent No. 2 after 16 months of the complaint dated 28.12.2010 which is an afterthought. In this regard the counsel for the petitioners has relied upon *Deepa Bajwa Vs. State* 115 (2004) DLT, *Majhar @ Papoo & Others Vs. State* 96 (2002) DLT 566, *Anand R. Kalwani Vs. State of Maharashtra & Anr.* I (2006) DMC 177 (DB).

24. In the present case the respondent No. 2 had made allegations against the petitioners in her complaint dated 28.12.2010 which was made by her to the SHO. In this complaint she has made allegations against the petitioners and further stated that she will give a detailed complaint at a later date but since the matter was sent for conciliation and remained there for a considerable period of time, so the respondent No. 2 had not given any detailed complaint and once the mediation failed and the complaint was sent for registration of the FIR which was registered on 19.04.2012, thereafter respondent No. 2 gave another complaint dated 07.05.2012 which has been annexed as annexure A with the charge sheet. In this complaint the respondent No. 2 has given the details about the treatment meted out to her in the matrimonial home which has been discussed

hereinabove. Therefore, it cannot be said that the respondent No. 2 in her complaint dated 07.05.2012 has stated something for the first time which was not stated by her in her initial complaint dated 28.12.2010.

25. The respondent No. 2 has laid the foundation of her grievances in her initial complaint dated 28.12.2010 and prior to this complaint, she had even made a PCR call on 14.11.2010 when she alongwith her parents went to the police station where petitioners were also present, where the matter was compromised vide DD No. 21 A dated 14.11.2010. It is also to be kept in mind that it is not easy for a girl to run to the police station to complain against her in-laws unless and until she is so compelled. She knows that once she takes her in-laws to police station, then it would be difficult for her to settle in her matrimonial home. There is an explanation by the complainant / respondent No. 2 for not giving detailed complaint and the perusal of the complaint/statement "Annexure A" dated 07.05.2012 shows that the same narrates and elaborates the incidents as mentioned in the complaint dated 28.12.2010. Therefore, the contention of the Ld. counsel for the petitioners that the supplementary statement dated 07.05.2012 cannot be looked into has no force in it and the truth or falsity of the allegations would be decided during the course of trial.

26. It has also been argued by the counsel for the petitioners that the complainant has admitted in her cross examination dated 14.08.2012 before the family court that she never filed any application for opening the joint account with the petitioner No. 1. On the contrary, it has been argued by the counsel for the respondent no. 2 that the respondent No. 2 was being

pressurized to open the joint account with petitioner No. 1 which has been stated by her in both her complaints dated 28.12.2010 and 07.05.2012.

27. It has also been vehemently argued by the Ld. counsel for the petitioners that on 14.11.2010 when the PCR call was made by the complainant respondent No. 2, the petitioner No. 4 had gone to give her UCO bank entrance exam. The perusal of DD No. 21 A dated 14.11.2010 shows that the complainant made a PCR call to the police which was recorded vide DD No 11 A and it was a call to the police about the abuses and harassment by the petitioner No. 1 to the respondent No. 2. But in this compliant respondent No. 2 has not made any specific allegations against the petitioner No. 4. However, in her subsequent complaints she has described the role played by the petitioner No. 4.

28. The perusal of the statements of the respondent No. 2 shows that there are specific allegations of entrustment of jewellery which has been leveled by the respondent No. 2 against her mother-in-law (petitioner No.3). She has also categorically stated about the mental cruelty against all the petitioners and demand of Rs. 15 Lakh from her and her parents as condition for taking her back to her matrimonial home which can be said to be covered in the definition of dowry U/s 2 of the Dowry Prohibition Act.

29. It is well settled law that at the stage of framing of charge, the court has power to shift and weigh the evidence for the limited purpose of finding out whether or not a prima-facie case against accused has been made out. When the material placed before the court discloses great suspicion against the accused which has not been properly explained, the court will be

justified in framing charge. No roving inquiry into the pros and cons of the matter and evidence is not to be weighed as if a trial was being conducted. If on the basis of materials on record a court could come to the conclusion that commission of the offence is a probable consequence, a case of framing of charge exists.

30. To put it differently, if the courts were to think that the accused might have committed the offence it can frame a charge, though for conviction the conclusion is required to be that accused has committed the offence. At the stage of framing of a charge, probative value of the materials on records cannot be gone into, the material brought on record by the prosecution has to be accepted as true at that stage. The truth, veracity and effect of the evidence which the prosecutor proposes to adduce are not to be meticulously judged, nor any weight is to be attached to the probable defence of the accused. It is not obligatory for the judge at that stage of the trial to consider in any detail and weigh in a sensitive balance whether the facts, if proved, would be incompatible with the innocence of the accused or not.

31. The standard of test and judgment which is to be finally applied before recording a finding regarding the guilt or otherwise of the accused is not exactly to be applied at this stage of deciding the matter under Section 227 or under Section 228 of the Code. But at the initial stage, if there is a strong suspicion which leads the court to think that there is ground for presuming that the accused has committed an offence, then it is not open to the court to say that there is no sufficient ground for proceeding against the

accused. While deciding the question of framing of charge in a criminal case, the court is not to apply exactly the standard and test which it finally applies for determining the guilt or otherwise.

32. What is required to be seen is whether there is strong suspicion which may lead to the court to think that there is ground for presuming that the accused has committed an offence. The above proposition is supported with law laid down by the Hon'ble Apex Court and Hon'ble High Court reported as "*Union of India vs Prafulla Kumar*", AIR 1979 Supreme Court 366, "*State of Maharashtra and others vs Som Nath Thapa and other*" JT 1996 (4) SC 615, "*State of Bihar vs Ramesh Singh*", AIR 1997 SC 2018: (1997 CRI LJ 1606), "*Umar Amdula Sakoor Sorathia vs. Intelligence Officer Narcotic Control Bureau*" JT 1999 (5) SC 394, "*Kalu Mal Gupta vs. State*" 2000 I AD Delhi 107.

33. The complainant (respondent No. 2 herein) in her complaints dated 28.12.2010 and 07.05.2012 which is "annexure A" and is the part of the charge sheet has levelled specific allegations of demand, cruelty and harassment meted out to her by all the petitioners and she has also levelled specific allegation of entrustment of jewellery articles against her mother-in-law (petitioner No. 3 herein) and these allegations cannot be said to be general in nature and in my view are sufficient to frame the charges against the petitioners. There is no dispute with regard to the propositions of law laid down in the judgments relied upon by the Ld. counsel for the petitioners but with due regards to the same, the same are not applicable to the facts of the present case.

34. Therefore, in view of the discussions mentioned hereinabove, I find no infirmity in the impugned orders dated 06.12.2016 passed by the Ld. MM, Mahila Court and 16.01.2019, passed by the Ld. Sessions Judge the same are, therefore, upheld.

35. As far as the prayer for quashing the present FIR No. 114/2012 dated 19.04.2012, PS Mukherjee Nagar is concerned, the Hon'ble Supreme Court has summarized the following broad principles in relation to Section 482 for quashing of FIR :

- (i) [Section 482](#) preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court;
- (ii) The invocation of the jurisdiction of the High Court to quash a First Information Report or a criminal proceeding on the ground that a settlement has been arrived at between the offender and the victim is not the same as the invocation of jurisdiction for the purpose of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of [Section 320](#) of the Code of Criminal Procedure, 1973. The power to quash under [Section 482](#) is attracted even if the offence is non-compoundable.

(iii) In forming an opinion whether a criminal proceeding or complaint should be quashed in exercise of its jurisdiction under [Section 482](#), the High Court must evaluate whether the ends of justice would justify the exercise of the inherent power;

(iv) While the inherent power of the High Court has a wide ambit and plenitude it has to be exercised; (i) to secure the ends of justice or (ii) to prevent an abuse of the process of any court;

(v) The decision as to whether a complaint or First Information Report should be quashed on the ground that the offender and victim have settled the dispute, revolves ultimately on the facts and circumstances of each case and no exhaustive elaboration of principles can be formulated;

(vi) In the exercise of the power under [Section 482](#) and while dealing with a plea that the dispute has been settled, the High Court must have due regard to the nature and gravity of the offence. Heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot appropriately be quashed though the victim or the family of the victim have settled the dispute. Such offences are, truly speaking, not private in nature but have a serious impact upon society. The decision to continue with the trial in such cases is founded on the overriding element of public interest in punishing persons for serious offences;

(vii) As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing in so far as the exercise of the inherent power to quash is concerned;

(viii) Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute;

(ix) In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice; and

(x) There is yet an exception to the principle set out in propositions (viii) and (ix) above. Economic offences involving the financial and economic well-being of the state have implications which lie beyond the domain of a mere dispute between private disputants. The High Court would be justified in declining to quash where the offender is involved in an activity akin to a financial or economic fraud or misdemeanour. The consequences of the act complained of upon the financial or economic system will weigh in the balance.

36. I have considered the charge sheet filed on record and I am satisfied that the investigating agency has material to connect the petitioners

with the subject crime. In view of the discussions mentioned hereinabove, it cannot be said that it is a case of no evidence against the petitioners or that the continuance of the proceedings would be an abuse of the process of law. The complainant (respondent No. 2 herein) has levelled specific allegations against the petitioners in her complaints dated 28.12.2010 and 07.05.2012 which is annexure "A" and at this stage, the veracity of her statements could not be tested and the same can only be tested at the time when she appears before the Ld. Trial Court for her cross examination. At this stage, it cannot be said that the present case is a case of no evidence. In view of the discussions mentioned hereinabove, I cannot accede to the prayer of the petitioners for quashing the present FIR. The petition is accordingly dismissed and the CrI. M.A. 13309/2019 is also disposed of accordingly.

37. Nothing stated hereinabove shall tantamount to the expression of any opinion on the merits of this case.

RAJNISH BHATNAGAR, J

DECEMBER 17, 2019

Sumant