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

+ **W.P.(CRL) 415/2020**

SUNIL JINDAL & ORS

..... Petitioners

Through: Mr. Maninder Singh, Mr. Ajay Kumar and Ms. Smriti Asmita, Advocates with petitioners in person.

versus

STATE & ANR

..... Respondents

Through: Mr. Rajesh Mahajan, ASC for the State with Ms. Shrutika VEDI and Ms. Jyoti Babbar, Advocates with SI Randeep PS Prem Nagar. R-2 in person.

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

% **11.02.2020**

Crl. M.A. No. 3107/2020 (for exemption)

Exemption allowed subject to just exceptions.

The application stands disposed of.

W.P.(CRL) 415/2020 and Crl. M.A. No. 3106/2020 (for stay)

By virtue of this petition, petitioners are seeking quashing of FIR No. 702/2019 under Sections 392/451/34 IPC registered at Police Station Prem Nagar, Rohini Delhi.

Issue notice.

Learned ASC for the State enters appearance and accepts notice. Respondent no. 2 appears in person and accepts notice.

It is submitted by learned ASC that subsequently Section 394 IPC has also been invoked.

The brief facts of the case are that on the complaint of respondent No. 2 above said FIR was registered against the petitioner on 31.12.2019. It is averred in the FIR that petitioner no. 1 is the Chartered Accountant of respondent no. 2 and there arose some disputes between them with regard to filing of some income tax returns.

Counsel for the petitioners submits that during the pendency of the trial, the parties have settled the matter amicably in terms of MOU dated 28.01.2020. It is submitted that accused has been admitted to bail on the sole ground that the matter has been amicably settled between the parties.

Learned ASC submits that since Section 394 IPC has been invoked in this case, the present FIR could not be quashed.

Learned counsel for the petitioner has relied on the judgments of the Supreme Court titled as ***Rajni Gupta and Anr. Vs. State and Ors., 2019 SCC OnLine Del 11690*** and ***Shiji Alias Pappu and Ors. Vs. Radhika and Anr. (2011) 10 SCC 705***. The relevant portion of the judgment in the case of ***Shiji Alias Pappu and Ors. (supra)*** reads as under:-

“19. Coming to the case at hand, we are of the view that the incident in question had its genesis in a dispute relating to the access to the two plots which are adjacent to each other. It was not a case of broad daylight robbery for gain. It was a case which has its origin in the civil dispute between the parties, which dispute has, it appears, been resolved by them. That being so, continuance of the prosecution where the complainant

is not ready to support the allegations which are now described by her as arising out of some “misunderstanding and misconception” will be a futile exercise that will serve no purpose. It is noteworthy that the two alleged eyewitnesses, who are closely related to the complainant, are also no longer supportive of the prosecution version. The continuance of the proceedings is thus nothing but an empty formality. Section 482 CrPC could, in such circumstances, be justifiably invoked by the High Court to prevent abuse of the process of law and thereby preventing a wasteful exercise by the courts below.”

In view of the facts and circumstances, that the matter has already been settled and the parties were known to each other and basically it appears to be a civil dispute with regard to filing of some ITRs and they are not hard core criminals, the petition is allowed, subject to payment of costs of Rs.10,000/- to be deposited by the petitioners with Delhi State Legal Services Authority within two weeks from today. Upon placing on record the proof of deposit of costs within a week thereafter and handing over their copies to the Investigating Officer, FIR No. 702/2019 under Sections 392/451/34 IPC registered at Police Station Prem Nagar, Rohini Delhi. and all proceedings emanating therefrom shall stand quashed.

The present petition stands disposed of accordingly. *Dasti.*

RAJNISH BHATNAGAR, J

FEBRUARY 11, 2020

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