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

+ **CRL.M.C. 6864/2022**

JASMEET SINGH

..... Petitioner

Through: Mr. Aditya Verma with Ms. Rakshita
Kachroo, Advocates.

versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Amit Sahni, APP for the State
with SI PR Hudda, PS IGI Airport.
Mr. Tarun Mehta, Advocate for
respondent No.2 with respondent
No.2 in person.

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Date of Decision: 16th December, 2022

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

Crl.M.A.26605/2022 & Crl.M.A.26606/2022 (exemption)

Exemptions allowed subject to all just exceptions.

CRL.M.C. 6864/2022

1. The present petition has been filed under section 482 Cr.P.C. seeking quashing of FIR No. 0158/2022, under Sections 43/66 (D) Information Technology Act, 2000 and Section 381, IPC 1860 registered at Police Station IGI Airport lodged on the statement of the respondent No.2 - Mr. Sumit Ranjan, the Director of Gozero Mobility Pvt. Ltd. In the FIR the complainant has made several allegations against the petitioner including

siphoning of the funds of the Company; threatening to leave the job without stipulated notice; misbehavior in the office and not discharging the dues properly. However, now the parties have reached at an amicable settlement vide Settlement Agreement dated 30.11.2022. The same has been placed on record.

2. Perusal of the Settlement Agreement also reflects that the petitioner was an employee with Gozero Mobility Pvt. Ltd.

3. Learned counsel for the petitioner submits that in fact there was another complaint under Section 138 Negotiable Instrument Act, 1881 which was filed by one Sh. Satpal Singh against the complainant Company. Learned counsel also submits that the Settlement Agreement also records that Sh. Satpal Singh, who is the uncle of the petitioner, had advanced a short-term loan of Rs. 28,00,000/- to the Company and certain post-dated cheques were issued by the Company. Now the money has been returned back to Sh. Satpal Singh and the parties have agreed to put a quietus to the entire disputes.

4. Besides the present FIR and the complaint under Section 138 Negotiable Instrument Act, 1881, there is a suit for recovery bearing CS No. 175/2022 pending in the Patiala House Courts, New Delhi. Both the parties are present in person before this Court and have been duly identified by the IO. It has been submitted that now the parties have decided to unequivocally and unconditionally settle all their disputes voluntarily and of their own free will without any force or coercion. The Settlement Agreement dated 30.11.2022 records that the complaint under Section 138 Negotiable

Instrument Act, 1881, and the civil suit bearing CS No.175/2002 shall also be withdrawn.

5. The High Court being the highest court of a State is conferred with the power of control and superintendence over all courts subordinate to it. Articles 226 and 227 of the Constitution of India and Section 482 CrPC also acknowledge the inherent powers of the High Courts. High Courts can exercise its inherent power u/s 482 CrPC either to prevent abuse of the process of the court or otherwise to secure the ends of justice. However, exercise of such power would depend upon the facts and circumstances of each case. The powers possessed by the High Courts under section 482 CrPC are very wide and the very plenitude of the power requires great caution in its exercise. The powers under section 482 CrPC are to be exercised with due care, caution and circumspection and in the rarest of the rare cases. Thus, the power under section 482 CrPC must be exercised very sparingly to render real and substantial justice to the parties. The High Court would exercise its extraordinary jurisdiction under section 482 CrPC, where it finds that non-interference shall result in abuse of the process of the court or failure of justice, or where grave injustice is shown to have been caused and requires to be undone, or where the complaint does not make out any triable case against the petitioner.

6. In *Gian Singh v. State of Punjab*, (2012) 10 SCC 303, *Narinder Singh v. State of Punjab*, (2014) 6 SCC 466 and *State of M.P. v. Laxmi Narayan & Ors.*, (2019) 5 SCC 688, the Apex Court has *inter alia* held that the inherent power conferred under section 482 Cr.P.C. is of wide plenitude with no statutory limitation but it has to be exercised (i) to secure the ends of

justice, or (ii) to prevent abuse of the process of any court. The Apex Court held that the power to quash the criminal proceeding or complaint or FIR in cases where the offender and the victim have settled their disputes would depend on the facts and circumstances of each case and no category can be prescribed. However before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute as such offences are not private in nature and have a serious impact on society. But the criminal cases having overwhelmingly and predominantly civil flavour stand on a different footing for the purposes of quashing. These include offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. It has been held that in these category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. The Apex Court thus held that the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the

victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question (s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.

7. This Court considers that the dispute in the present case was predominantly a dispute between an employer and employee with shades of commercial transactions. The alleged dispute is thus civil in nature. The business/transactional disputes between the parties are settled and therefore continuance of the FIR bearing No. 0158/2022 and the proceedings emanating therefrom, given that the parties have amicably arrived at a settlement would serve no useful purpose, may cause prejudice to the petitioner and be an exercise in futility.

8. I do not see any reason to reject the settlement. It is better to put a quietus to the dispute in view of the settlement agreement between the parties. Parties seem to have entered the settlement voluntarily without any force, fear and coercion.

9. Taking into account the totality of facts and circumstances, the case FIR No. 0158/2022, under Sections 43/66 (D) Information Technology Act, 2000 and Section 381, IPC 1860 registered at Police Station IGI Airport and all the proceedings emanating therefrom are quashed.

10. The present petition stands disposed of.

DINESH KUMAR SHARMA, J

DECEMBER 16, 2022/st

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