



2024:DHC:6550



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 29.08.2024

+ W.P.(CRL) 86/2024

SAHIL OBEROI & ORS.

.....Petitioners

Through: Mr. Dilshad A. Khan and Mr. Amir Khan, Advocates with Petitioners in-person.

versus

THE STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr.Amol Sinha, ASC with Mr.Kshitiz Garg, Mr. Ashvini Kumar and Ms. Chavi Lazarus, Advocates with SI Deepak Sahu, PS: Pul Prahladpur. Ms. Anju, Ms. Babita and Ms. Aastha, Advocates with R-2 in person.

CORAM:**HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA**

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J U D G M E N T**ANOOP KUMAR MENDIRATTA, J (ORAL)**

1. Writ Petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioners for quashing of FIR No. 0353/2023, under Sections 420/406/34 IPC, registered at PS: Pul Prahladpur, Delhi and proceedings emanating therefrom.

2. In brief, as per the case of prosecution, FIR was registered on 24.10.2023, on complaint of respondent No. 2, who alleged that she had invested funds for sum of Rs. 44,52,855/-, in view of partnership entered into with petitioners for opening a franchise of Geetanjali Salon in Omaxe World Street, Section 79, Faridabad, Haryana. However, petitioners misbehaved with her on asking for return of the said amount, as the Salon could not be



opened.

3. Learned counsel for the petitioners submits that disputes between the parties are civil in nature and have been amicably settled in terms of MoU dated 08.12.2023. An amount of Rs. 38,00,000/- is already stated to have been paid to respondent No.2 in terms of MoU. He further submits that petitioners have clean past antecedents and are not involved in any other case.

4. Respondent No. 2, a practicing Advocate, submits that in view of settlement between the parties, she has no further grievance in this regard and nothing remains to be further adjudicated upon between the parties.

5. Learned ASC for the State submits that in view of amicable settlement between the parties and receipt of settlement amount by respondent No. 2, he has no objection in case the FIR in question is quashed. On instructions of IO, learned ASC further informs that petitioners have clean past antecedents.

6. Petitioners in the present case seek to invoke the powers under Section 482 of the Code of Criminal Procedure. The same is to be used to secure the ends of justice or to prevent the abuse of process of Court. In which cases, the power to quash the criminal proceedings or the complaint or FIR may be used when the offender as well as victim have settled their dispute, would depend upon the facts and circumstances of each case and no generalized list or categories can be prescribed. However, the Court is required to give due regard to the nature and gravity of the offence and consider the impact on the society.

7. It may also be observed that heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot be appropriately quashed despite settlement. However, distinguished from



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serious offences, the offences which have predominant element of civil dispute or offences involving minor incidents, where the complainant/victim also stands compensated for loss, if any, stand on a different footing, so far as exercise of inherent powers under Section 482 Cr.P.C. is concerned. The High Court also is not foreclosed from examining as to whether there exists material for incorporation of such an offence or as to whether there is sufficient evidence which if proved would lead to proving the charge for the offence charged with. It may also be assessed, if in view of compromise between the parties, the possibility of conviction in such a case is remote and whether continuation of proceedings would cause grave oppression and prejudice the accused.

8. Petitioners and respondent No. 2 are present in person and have been identified by SI Deepak Sahu, PS: Pul Prahladpur. I have interacted with the parties and they confirm that the matter has been amicably settled between them without any threat, pressure or coercion. Respondent No. 2 also submits that she has no objection in case the FIR in question is quashed.

9. Petitioners and respondent No. 2 intend to put quietus to the proceedings arising out of monetary investment for opening of Salon which could not be achieved. The settlement shall promote harmony between the parties and permit them to move forward in life. Also the chances of conviction are bleak in view of amicable settlement between the parties. Further, no past involvement of the petitioners has been brought to the notice of this Court.

10. Considering the facts and circumstances, since the matter has been amicably settled between the parties, no useful purpose shall be served by keeping the case pending. Continuation of proceedings would be nothing but



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an abuse of the process of Court. Consequently, FIR No. 0353/2023, under Sections 420/406/34 IPC, registered at PS: Pul Prahladpur and all proceedings emanating therefrom stand quashed.

11. In the facts and circumstances, instead of imposing the costs upon petitioners, they are directed to plant 50 saplings of Neem / Jamun trees each, which are upto 03 feet in height in the area of PS: Pul Prahladpur after getting in touch with the competent authority (i.e. Horticulture Department of MCD / DDA / Conservator of Forests, Department of Forests & Wildlife, Govt. of NCT of Delhi) through concerned IO / SHO, PS: Pul Prahladpur. The photographs of planted saplings alongwith report of IO / SHO concerned shall be forwarded to this Court within eight weeks. Further, the upkeep of the saplings / trees shall be undertaken by the authorities concerned. In case of non compliance of directions for planting of trees, the petitioners shall be liable to deposit cost of Rs. 50,000/- each with the Delhi State Legal Services Authority.

Petition is accordingly disposed of. Pending applications, if any, also stand disposed of.

A copy of this order be forwarded to learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J

AUGUST 29, 2024/R