



2024:DHC:5421



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 23.07.2024

+ CRL.M.C. 2093/2024

MADAN MOHAN MITTAL & ANR.

.....Petitioners

Through: Ms. Reena Jain Malhotra and
Mr. Vineet Malhotra, Advcoates.

versus

THE STATE OF NCT OF DELHI AND ORS.Respondents

Through: Mr. Yasir Rauf Ansari, ASC (Crl.) for
State with Mr. Alok Sharma, Sanyam
Aggarwal and Mr. Ankur Gupta and
Mr. Vasu Agarwal, Advocates with
Insp. Pradeep Rai, EOW.Mr. Manan Popli, Ms. Apurva Gaur,
Mr. Ankit Tripathi and Ms. Akshita
Goyal, Advocates for R-2.Mr. Shivam Bajaj, Mr. Akash Tandon,
Mr. Sumit yadav and Mr. Inder
Mohan Bajaj, Advocates for R-4.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

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J U D G M E N TANOOP KUMAR MENDIRATTA, J (ORAL)CRL.M.A. 8103/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 2093/2024

1. Petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C') has been preferred on behalf of the petitioners Madan Mohan Mittal and Rekha Mittal for quashing of FIR No. 0085/2019, under Sections



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406/420/120B IPC, registered at P.S.: EOW. Accused Sanjay Aggarwal, has been impleaded as respondent no. 3 in the petition.

2. In brief, as per the case of the prosecution, FIR was registered on complaint of Respondent no. 2 Anil Agarwal against Madan Mohan Mittal, Rekha Mittal and Sanjay Aggarwal, since the sale deed could not be executed in terms of Agreement to Sell, as the property bearing no. A-6, Preet Vihar, Delhi -110092, was found to be mortgaged with State Bank of India. An amount of Rs. 6.25 crores is stated to have been paid by the Anil Agarwal (complainant / respondent No. 2) to accused as consideration.

3. Learned counsel for the parties submit that disputes have been amicably settled between the parties in terms of Settlement Deed dated 20.01.2022, whereby an amount of Rs. 5.65 crores has been returned back to complainant / Respondent no. 2 (Anil Agarwal).

4. Respondent no. 2 in person submits that in view of receipt of amount and settlement between the parties, he has no longer any 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, he has no objection in case the FIR in question is quashed.

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 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.

Reference may also be made to *Sunil Tomar vs. The State of NCT of Delhi & Anr.*, CRL.M.C.1741/2021, decided on 12.04.2022 by Coordinate Bench of this Court and *Rajni Khare vs. State & Anr.*, CRL.M.C. 2930/2021, decided on 19.03.2024 by this Court, wherein the proceedings under Sections 406/420 IPC were quashed on the basis of settlement between parties.

8. Petitioners and respondent nos. 2 and 3 are present in person and have been identified by SI Insp. Pradeep Rai, PS: EOW. I have interacted with the parties and they confirm that the matter has been amicably settled between



them without any threat, pressure or coercion. Complainant / Respondent No. 2 Anil Agarwal also states that he has no objection in case the FIR in question is quashed.

9. Parties intend to put quietus to the proceedings arising out of Agreement to Sell entered between them. 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 an abuse of the process of Court. Consequently, FIR No. 85/2019, under Sections 406/420/120B IPC, registered at PS: EOW and proceedings emanating therefrom stand quashed.

11. In the facts and circumstances, instead of imposing the costs upon accused Madan Mohan Mittal (Petitioner no. 1), Rekha Mittal (Petitioner no. 2) and Sanjay Aggarwal (Respondent no. 3), they are directed to plant 100 saplings of Neem trees each, which are upto 03 feet in height in the area of P.S.: Maharani Bagh 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, P.S.: EOW. 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



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directions for planting of trees, the petitioners shall be liable to deposit cost of Rs. 20,000/- 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.

JULY 23, 2024

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