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

+ **CRL.M.C. 3174/2024**

RAVI SINGH & ANR.

..... Petitioners

Through: Mr. Imran Ali, Ms. Aanchal Bumb
and Ms. Dhriti Chhabra, Advocates along with
Petitioners in person.

versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Through: Ms. Richa Dhawan, APP for State
with SI Sunil Verma, PS: Kalkaji.

Respondent No.2 in person through video
conferencing.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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17.05.2024

CRL.M.A. 12247/2024 and 12248/2024 (Exemption)

1. Allowed, subject to all just exceptions.
2. Applications stand disposed of.

CRL.M.C. 3174/2024

3. This petition has been filed on behalf of the Petitioners under Section 482 Cr.P.C. seeking quashing of FIR No. 445/2016 dated 05.08.2016 under Sections 420/468/471 IPC registered at PS: Kalkaji, including proceedings emanating therefrom. Sections 406/120B IPC were added later. Charge sheet has been filed before the Trial Court.
4. Case of the prosecution is that both the Petitioners are engaged in the business of real estate/property dealing and were acquainted with each other when Respondent No.2 approached Petitioner No.1 in September, 2015, seeking assistance in purchase of an immovable property. Petitioners



showed her a DDA LIG flat bearing No. L-1/297-A, Kalkaji, New Delhi-110019 (hereinafter referred to as “subject property”). Petitioner No.1 introduced Respondent No.2 and her husband to Petitioner No.2, who was the lawful owner of the subject property. Respondent No.2 agreed to purchase the subject property and parties entered into an Agreement to Sell. Respondent No.2 made part payment towards the sale consideration and it was agreed that the balance amount would be paid in monthly installments. However, owing to certain circumstances, the agreement to sell could not be given effect to and Petitioners agreed to restitute the part payment received by them to Respondent No.2, as soon as they had sufficient funds. Respondent No.2 filed a complaint when Petitioners did not refund the amount, as assured and the present FIR was registered.

5. It is stated in the petition that Petitioner No.2 was arrested but was enlarged on bail when he agreed to pay a sum of Rs. 40 Lakhs. Judicial notice of the settlement was taken by the Sessions Court while enlarging him on interim bail vide order dated 05.10.2016 and thereafter on anticipatory bail vide order dated 15.11.2016. However, on account of some personal circumstances, Petitioners were unable to pursue the case for quashing of the FIR on the basis of this settlement and thus after filing of the charge sheet in the present FIR, the criminal proceedings in Cr. Case No.4246/2017 were initiated against the Petitioners. Since the matter was already settled between the parties, at their request, they were referred to the Mediation Centre, Saket Courts, New Delhi, where they executed a Settlement Agreement dated 25.09.2021, wherein Respondent No. 2 acknowledged having received an amount of Rs. 40,00,000/- from the Petitioners and agreed to co-operate in quashing of the present FIR. Copy of



the agreement has been filed with the present petition.

6. Issue notice.

7. Learned APP accepts notice on behalf of the State.

8. Respondent No.2, who is appearing through virtual mode, accepts notice.

9. Petitioners and Respondent No. 2 are present in Court and are identified by the Investigating Officer SI Sunil Verma, PS: Kalkaji. Respondent No.2 states that the Settlement Agreement was executed, out of her own free will and in terms of the settlement, she has received the entire settled amount from the Petitioners and thus has no objection to the FIR as well as criminal case emanating therefrom being quashed. Learned APP for the State also has no objection in quashing the present FIR in view of the settlement between the parties.

10. The Supreme Court in *Gian Singh v. State of Punjab and Another, (2012) 10 SCC 303*, observed that while exercising inherent powers under Section 482 Cr.P.C. in respect of quashing of an FIR where parties have entered into amicable resolution of the disputes, one of the considerations would be whether it would be unfair or contrary to the interest of justice to continue the criminal proceedings despite the compromise and if the answer to the question is in the affirmative, the High Court would be well within its jurisdiction to quash the criminal proceedings, in order to ensure that the disputes are put to an end and peace is restored as securing the ends of justice is the ultimate guiding factor. This was of-course with a caveat that heinous and serious offences of mental depravity or offences like murder, dacoity etc. cannot be fittingly quashed even though the victim or the victim's family settles the disputes with the offender. Relevant paragraphs of



the judgment are as follows:-

“55. In the very nature of its constitution, it is the judicial obligation of the High Court to undo a wrong in course of administration of justice or to prevent continuation of unnecessary judicial process. This is founded on the legal maxim quando lex aliquid alicui concedit, conceditur et id sine qua res ipsa esse non potest. The full import of which is whenever anything is authorised, and especially if, as a matter of duty, required to be done by law, it is found impossible to do that thing unless something else not authorised in express terms be also done, may also be done, then that something else will be supplied by necessary intendment. Ex debito justitiae is inbuilt in such exercise; the whole idea is to do real, complete and substantial justice for which it exists. The power possessed by the High Court under Section 482 of the Code is of wide amplitude but requires exercise with great caution and circumspection.

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58. Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. No doubt, crimes are acts which have harmful effect on the public and consist in wrongdoing that seriously endangers and threatens the well-being of the society and it is not safe to leave the crime-doer only because he and the victim have settled the dispute amicably or that the victim has been paid compensation, yet certain crimes have been made compoundable in law, with or without the permission of the court. In respect of serious offences like murder, rape, dacoity, etc., or other offences of mental depravity under IPC or offences of moral turpitude under special statutes, like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, the settlement between the offender and the victim can have no legal sanction at all. However, certain offences which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions or the offences arising out of matrimony, particularly relating to dowry, etc. or the family dispute, where the wrong is basically to the victim and the offender and the victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable, the High Court may within the framework of its inherent power, quash the criminal proceeding or criminal complaint or FIR if it is satisfied that on the face of such settlement, there is hardly any likelihood of the offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated.



The above list is illustrative and not exhaustive. Each case will depend on its own facts and no hard-and-fast category can be prescribed.

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61. *The position that emerges from the above discussion can be summarised thus : the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz. : (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court. In what cases power to quash the criminal proceeding or complaint or FIR may be exercised where the offender and the victim have settled their dispute 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. Such offences are not private in nature and have a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc.; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the 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. In this 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. In other words, 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."*



11. In a later judgment in the case of ***Narinder Singh and Others v. State of Punjab and Another, (2014) 6 SCC 466***, the Supreme Court reiterated the proposition and relevant paragraphs are as follows:-

“29.1. Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution.

29.2. When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:

(i) ends of justice, or

(ii) to prevent abuse of the process of any court.

While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.

29.3. Such a power is not to be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Similarly, for the offences alleged to have been committed under special statute like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender.

29.4. On the other hand, those criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.”

12. Petitioners and Respondent No. 2 have mutually settled all their disputes. In view of the categorical stand of the complainant that she does not wish to prosecute the cases, since money has been received by her, no purpose will be achieved in continuing with the proceedings emanating from the FIR and it would be in the interest of justice to terminate the



proceedings. This Court is fortified in its view by the decisions of the Co-ordinate Benches of this Court in *Shrishti Gupta & Anr. v. State (NCT of Delhi) & Anr.*, *CRL.M.C. 3611/2023*, decided on 19.05.2023 and *Sh. Vivekanand Pandey & Anr. v. State & Anr.*, *CRL.M.C. 3331/2023*, decided on 10.05.2023, wherein FIRs under similar provisions have been quashed on the basis of settlements between the parties.

13. Accordingly, FIR No. 445/2016 dated 05.08.2016, under Sections 420/468/471 IPC registered at PS: Kalkaji is quashed including all proceedings emanating therefrom.

14. Petition is allowed and disposed of.

JYOTI SINGH, J

MAY 17, 2024/DU