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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 01.05.2024

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CRL.M.C. 3265/2024

SEEMA SHARMA & ORS.

..... Petitioner

Through: Mr. Sumit Gaba, Advocate.

versus

STATE GOVT. OF NCT OF DELHI & ORS.

..... Respondent

Through: Mr. Ajay Vikram Singh, APP for the
State.Mr. Arun Rana, Advocate for R-2 &
R-3.**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)****CRL.M.A. 12591/2024**

Application under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') read with Section 5 of Limitation Act has been preferred on behalf of the petitioner/applicant for condonation of delay of 34 days in re-filing the petition.

For the reasons stated in the application, delay in re-filing is condoned.

Application is accordingly disposed of.

CRL.M.C.3265/2024

1. Petition under 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. 519/2015, under Sections 406/420 IPC, registered at P.S.: Rani Bagh (North-West), New Delhi.

2. Issue notice. Learned APP for the State and learned counsel for



respondents No.2 to 4 appear on advance notice and accept notice.

3. Learned counsel for the petitioner submits that disputes between the parties have primarily arisen out of chit fund transactions and at behest of petitioner No.2/Ms.Payal Sharma (daughter of Seema Sharma/petitioner No.1, who was running the chit fund), FIR No.401/2014 under Sections 365/342/368/386/34 IPC, P.S.: Rani Bagh was initially registered against respondents No.2 to 4 and other chit members. Thereafter, present FIR No.519/2014 under Sections 420/406/34 IPC was registered against the petitioners at instance of Ms.Seema Kakkar (respondent No.2). It is further pointed out that an FIR No.662/2015 under Sections 420/34 IPC, P.S.: Rani Bagh was also registered against the petitioner No.1 Seema Sharma at instance of one Kranti Guleria who is not a party to the present proceedings.

4. The disputes with respect to chit fund transactions between the parties are stated to have been mutually settled vide MoU dated 07.07.2023 in respect of pending FIRs and proceedings/complaint cases under Section 138 of Negotiable Instruments Act.

5. Learned APP for the State submits that in view of amicable settlement between the parties, State 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 Code of Criminal Procedure. The same is to be used to secure the ends of justice or to prevent the abuse of process of any 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 generalised 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 be observed that heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot be quashed despite settlement. However, distinguished from serious offences, minor incidents or offences, which don't affect the society at large or are personal in nature, 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 respondents No.2 to 4 in person have been identified by SI Parmender Kumar, PS: Rani Bagh, New Delhi. I have interacted with the parties and they confirm that disputes relating to monetary transactions have been amicably settled between them without any threat, pressure or coercion. Respondents also state that the FIRs primarily arise due to aforesaid monetary transactions and nothing remains to be further adjudicated upon between the parties. Further, they have no objection in case the FIR in question along with connected FIR is quashed.

9. Parties intend to put quietus to the proceedings and move forward in life. The FIRs primarily appear to have been lodged owing to disputes over monetary transactions/chit fund. The settlement shall promote harmony



between the parties. Even otherwise, in view of settlement, the chances of conviction are bleak. 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. 519/2015, under Sections 406/420 IPC, registered at P.S.: Rani Bagh, New Delhi and the proceedings emanating therefrom stand quashed.

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

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

ANOOP KUMAR MENDIRATTA, J.

MARCH 19, 2024/ss