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

% Date of Decision: 01.05.2024

+ CRL.M.C. 3355/2024

ATUL KAKKAR & ORS.

..... Petitioners

Through: Mr. Sumit Gaba, Advocate with
petitioners in person

versus

STATE & ORS.

..... Respondents

Through: Mr. Ajay Vikram Singh, APP for State
with SI Pushpender Kumar, PS Rani
Bagh.
Mr. Arun Rana, Advocate for R-2 to
R-4 with R-2 to R-4 in person.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

% **J U D G M E N T**

ANOOP KUMAR MENDIRATTA, J (ORAL)

CRL.M.A. 12924/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 3355/2024 & CRL.M.A. 12925/2024

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. 401/2015 under Sections 365/342/368/386/34 IPC registered at PS Rani Bagh.
2. Issue notice. Learned APP for the State and learned counsel for respondent No.2 alongwith respondent 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 Respondent No. 2/Ms.Payal Sharma (daughter of Seema Sharma/ Respondent No. 3, who was running the chit fund), FIR No.401/2014 under Sections 365/342/368/386/34 IPC, P.S.: Rani Bagh was registered against petitioners since on 26.05.2015, Seema Sharma is alleged to have been kidnapped by some persons and kept in custody. An FIR No.519/2014 under Sections 420/406/34 IPC is also stated to have been registered against the Respondent No. 2 to 4 at instance of Ms.Seema Kakkar (Petitioner No.2). It is pointed out that an FIR No.662/2015 under Sections 420/34 IPC, P.S.: Rani Bagh is also registered against Seema Sharma at instance of Kranti Guleria (Petitioner No. 4).

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, the 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 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 also 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 as well as respondent No. 2 to 4 are present in person and have been identified by SI Pushpender Kumar, P.S.: Rani Bagh. 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 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. 401/2015, under Sections 365/342/368/386/34 IPC, P.S. Rani Bagh and the proceedings emanating therefrom stand quashed.

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 and compliance.

ANOOP KUMAR MENDIRATTA, J.

MAY 01, 2024/akc