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

+ **W.P.(CRL) 2139/2021**

TEJPAL SINGH & ORS.

..... Petitioners

Through: Mr Nipun Katyal and Mr Kismat Chauhan, Advocates along with petitioners in person.

versus

THE STATE & ANR.

..... Respondents

Through: Mr Sanjay Lao, Standing Counsel for the State with SI Vipin, PS Ashok Vihar, Insp. Sudhir, PS Ashok Vihar with SI Yogesh DIU/NWD.
Mr Deepak Kaushik, Advocate for R-2.
Mr Ripu Daman Bhardwaj, CGSC for UOI.
Mr Mahesh Shukla, AR of the ICICI Bank through video conferencing.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

15.03.2024

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1. The present petition has been filed under Article 226 of the Constitution of India read with Section 482 CrPC seeking quashing of FIR No.0047/2021 under Sections 419/420/467/468/471/120B/34 IPC registered at Police Station Ashok Vihar and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.

2. Issue notice. The learned Standing Counsel for the State accepts notice. He submits that since the parties have arrived at a settlement, the State has no



objection in case the FIR in question is quashed. He further submits that some cost may be imposed on the petitioners as considerable time and effort has been spent on the investigation and judicial time has also been wasted.

3. The petitioners are present in the Court whereas Mr Mahesh Shukla, AR of the respondent no.2 has joined through video conferencing. The parties have been identified by their respective counsel and by the Investigating Officer SI Vipin, PS Ashok Vihar, Insp. Sudhir, PS Ashok Vihar with SI Yogesh DIU/NWD.

4. The brief facts of the case are that ICICI bank made a complaint against one Raj Mittal @ Rajesh who had approached the bank seeking a vehicle loans and the same was sanctioned by the ICICI Bank to the extent of Rs.11,48,000/-. Later on it was found that the said Rajesh had transferred the vehicle in question without clearing the dues of the ICICI bank. The present petitioners are stated to be the associates of said Rajesh.

5. During the pendency of the proceedings, the parties were referred to the Delhi High Court Mediation and Conciliation Centre, Delhi High Court, Sher Shah Road, New Delhi, where they arrived at a settlement, terms whereof were reduced in writing in the form of Settlement dated 24.01.2022, which is annexed at page 160 of the present petition.

6. In the said settlement, it was agreed that the petitioners shall pay a total sum of Rs.85,53,000/- to the ICICI Bank in full and final settlement of the loan amount.

7. Learned counsel for the petitioners submits that the entire settlement amount stands paid to the ICICI Bank, which position is affirmed by the learned counsel for the ICICI Bank. The authorised representative of the ICICI Bank, namely, Mr Mahesh Shukla, who has joined through video



conferencing, also affirms the factum of settlement.

8. The AR of the respondent no.2, who appears through video conferencing, on a query put by the Court, states that the complainant bank has no objection in case the FIR is quashed.

9. At this stage, apt would it be to refer to the observations of the Supreme Court in ***Gian Singh v. State of Punjab, (2012) 10 SCC 303: (SCC p. 340, para 58)***

“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.”

10. In view of the settlement between the parties, the ultimate chances of conviction in the case are bleak, therefore, continuation of criminal proceedings will not serve any useful purpose and it will be an exercise in futility.

11. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.

12. In the present case, the State machinery has been put into motion and considerable time and resources of the investigating agency have been spent in the investigation of the matter, it is deemed appropriate to impose cost of Rs.50,000/- each on the petitioners. Accordingly, the petitioners are directed to deposit cost of Rs.50,000/- each with the Delhi State Legal Services Authority and the said amount should be utilized towards counselling / psychological support to be provided to POCSO victims requiring such



assistance.

13. Consequently, the petition is allowed and the FIR No.0047/2021 under Sections 419/420/467/468/471/120B/34 IPC registered at Police Station Ashok Vihar alongwith all other proceedings emanating therefrom, is quashed *qua* the petitioners, subject to payment of cost as aforesaid, within a period of two weeks from today.

14. The petition stands disposed of in the above terms.

15. Order be uploaded on the website of this court.

VIKAS MAHAJAN, J

MARCH 15, 2024

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