



2024:DHC:5122



\$~100

* IN THE HIGH COURT OF DELHI AT NEW DELHI

%

Date of Decision: 11.07.2024

+ CRL.M.C. 5236/2024

KARAN SURI & ANR.

..... Petitioners

Through: Mr. Kundan Kumar, Advocate with
Petitioners-in-person.

versus

STATE NCT OF DELHI AND ANR.

..... Respondents

Through: Mr. Yudhvir Singh Chauhan, APP
with SI Sanjay Kumar, PS: Rajouri
Garden.Mr. Hemant Vats and Mr. Vishal
Garg, Advocates for R-2 with
Respondent No. 2 in-person.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

%

J U D G M E N TANOOP KUMAR MENDIRATTA, J (ORAL)CRL.M.A. 19994/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 5236/2024

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. 0938/2023, under Section 420 IPC, registered at PS: Rajouri Garden and proceedings emanating therefrom.

2. Issue notice. Learned APP for the State and learned counsel for respondent No. 2 along with respondent No. 2 appear on advance notice and accept notice



3. In brief, as per the case of prosecution, respondent No. 2 alleged that in March, 2021, he entered into an agreement of Rs. 88,00,000/- with one Inderjeet Suri (father of petitioner No. 1) and Karan Suri (petitioner No. 1) for sale of land admeasuring 1100 sq. yards in Village Kanjhawala. Part payment of Rs. 16,00,000/- was made by respondent No. 2 to petitioner No. 1. Further, in May, 2021, respondent No. 2 was informed by petitioners that Inderjeet Suri had passed away but they wished to continue with the property deal. A payment of Rs. 45,00,000/- was made by respondent No. 2 to petitioners by way of Bank RTGS and Cash. Respondent No. 2 further got to know that the aforesaid property was already sold out by Inderjeet Suri in 2006-2007 to some other person, which led to registration of present FIR.
4. Learned counsel for petitioners submits that present proceedings primarily arise over dispute in respect of Agreement to Sell entered between Inderjeet Suri (who has since expired) and respondent No. 2, which has been amicably settled in terms of compromise deed dated 31.05.2024. It is further informed that entire consideration amount of Rs. 61,00,000/- has since been returned to respondent No. 2 / complainant, which is admitted by him.
5. 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.
6. Learned APP 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.
7. 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.

8. 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.

9. Petitioners and respondent No. 2 are present in person and have been identified by SI Sanjay Kumar, PS: Rajouri Garden. I have interacted with the parties and they confirm that the matter has been amicably settled between them without any threat, pressure or coercion. Respondent No. 2 also states that he has no objection in case the FIR in question is quashed.

10. Petitioners and respondent No. 2 intend to put quietus to the proceedings arising out of Agreement to Sell entered by Inderjeet Suri (father of petitioner No. 1). 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 involvements of the petitioners have been brought to the notice of this Court.

11. 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. 0938/2023, under Section 420 IPC, registered at PS: Rajouri Garden and 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.

ANOOP KUMAR MENDIRATTA, J.

JULY 11, 2024/R