



2024:DHC:6088



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 09.08.2024

+ CRL.M.C. 6206/2024

SHRI RANDIP SINGH

.....Petitioner

Through: Ms. Shalini Gandharva, Mr. Sushil
Kumar and Mr. Vishal Kumar, Advs.

versus

THE STATE NCT OF DELHI AND ANR

.....Respondents

Through: Ms. Meenakshi Dahiya, APP for the
State with SI Chandan Rajput, PS
Vasant Kunj.Mr. Lalik Gandharva, Advocate for R-
2.R-2 in person (through video
conferencing).

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. 23699/2024**

Exemption allowed, subject to all just exceptions.

Application stands disposed of

CRL.M.C. 6206/2024

1. Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of the petitioner for quashing of FIR No. 339/2017 under Section 420 IPC registered at P.S.: Vasant Kunj and all proceedings emanating therefrom. Chargesheet has been filed under Sections 420/174-A IPC.



2. Issue notice. Learned APP for the State and learned counsel for respondent No. 2 along with respondent No. 2 through VC (presently posted in Philippines) appear on advance notice and accept notice
3. Learned counsel for the petitioner submits that disputes between the parties primarily relate to the delivery of flat in Ram Shanti, CGHS Ltd., Gurugram, Haryana and the payment is claimed to have been made by respondent no. 2 through the petitioner. Proceedings are also stated to have been filed before the Registrar of Cooperative Society, Panchkula, Haryana. He further submits that disputes between the parties have been amicably settled in terms of MoU dated 26.11.2021, whereby petitioner has already paid an amount of Rs. 47 lacs to respondent no. 2.
4. Respondent no. 2 (through VC) submits that in view of receipt of amount and settlement between the parties, he has no further grievance in this regard and nothing remains to be further adjudicated upon between the parties.
5. Learned APP for the State submits that in view of amicable settlement between the parties, she 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 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.

7. 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.

8. 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. Petitioner in person and respondent no. 2 (through VC) have been identified by SI Chandan Rajput, PS: Vasant Kunj. 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 submits that he has no objection in case the FIR in question is quashed.



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10. Petitioner and respondent no. 2 intend to put quietus to the proceedings arising out of non-allotment of flat in favour of respondent no.2 in the aforesaid society. The amount paid by respondent no.2 has been received back by him from petitioner. 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 involvement of the petitioner has 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. 339/2017 under Sections 420/174A IPC registered at P.S.: Vasant Kunj and all proceedings emanating therefrom stand quashed.

12. In the facts and circumstances, instead of imposing the costs upon petitioner, he is directed to plant 50 saplings of Neem trees, which are upto 03 feet in height in the area of P.S.: Vasant Kunj after getting in touch with the competent authority (i.e. Horticulture Department of MCD / DDA / Conservator of Forests, Department of Forests & Wildlife, Govt. of NCT of Delhi) through concerned IO / SHO, P.S.: Vasant Kunj. The photographs of planted saplings alongwith report of IO / SHO concerned shall be forwarded to this Court within eight weeks. Further, the upkeep of the saplings / trees shall be undertaken by the authorities concerned. In case of non compliance of directions for planting of trees, the petitioners shall be liable to deposit cost of Rs. 50,000/- with the Delhi State Legal Services Authority.

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



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stand disposed of.

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

ANOOP KUMAR MENDIRATTA, J

AUGUST 9, 2024

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