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

+ **CRL.M.C. 6331/2024**

SH. NAUSHAD AHMED

.....Petitioner

Through: Md. Arif (D/700-R/1997), Advocate.
Mr. Ajay Kumar Sharma, Advocate.

versus

STATE OF N.C.T OF DELH & ANR.

.....Respondents

Through: Mr. Yudhvir Singh Chauhan, APP for
the State.
SI Ashish, PS Rajouri Garden

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **14.08.2024**

CRL.M.A. 24207/2024 (Exemption)

Allowed, subject to all just exceptions.

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1. The Petitioner has approached this Court for quashing FIR No.1076/2015 dated 28.07.2015 registered at Police Station Rajouri Garden for offences under Section 420, 468, 471 IPC
2. Chargesheet has been filed. A perusal of the chargesheet indicates that the Petitioner has been able to obtain loan from the HDFC Bank by giving forged and fabricated documents. The Petitioner has approached this Court for quashing the FIR primarily on the ground that he has paid the entire dues of the bank. It is also stated that the Petitioner has undergone about 1 year of custody.
3. The parameters for quashing FIR on the ground of compromise has

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been laid down by the Bench of Three Judges of the Hon'ble Apex Court in Gian Singh v. State of Punjab, (2012) 10 SCC 303 which reads as under:

“56. It needs no emphasis that exercise of inherent power by the High Court would entirely depend on the facts and circumstances of each case. It is neither permissible nor proper for the court to provide a straitjacket formula regulating the exercise of inherent powers under Section 482. No precise and inflexible guidelines can also be provided.

57. Quashing of offence or criminal proceedings on the ground of settlement between an offender and victim is not the same thing as compounding of offence. They are different and not interchangeable. Strictly speaking, the power of compounding of offences given to a court under Section 320 is materially different from the quashing of criminal proceedings by the High Court in exercise of its inherent jurisdiction. In compounding of offences, power of a criminal court is circumscribed by the provisions contained in Section 320 and the court is guided solely and squarely thereby while, on the other hand, the formation of opinion by the High Court for quashing a criminal offence or criminal proceeding or criminal complaint is guided by the material on record as to whether the ends of justice would justify such exercise of power although the ultimate consequence may be acquittal or dismissal of indictment.

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. No doubt, crimes are acts which have harmful effect on the public and consist in wrongdoing that seriously endangers and threatens the well-being of the society and it is not safe to leave the crime-doer only because he and the victim have settled the dispute amicably or that the victim has been paid compensation, yet certain crimes have been made compoundable in law, with or without the permission of the court. In respect of serious offences like murder, rape, dacoity, etc., or other offences of mental depravity under IPC or offences of moral turpitude under special statutes, like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, the settlement between the offender and the victim can have no legal sanction at all. However, certain offences which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions or the offences arising out of matrimony, particularly relating to dowry, etc. or the family dispute, where the wrong is basically to the victim and the offender and the victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable, the High Court may within the framework of its inherent power, quash the criminal proceeding or criminal complaint or FIR if it is satisfied that on the face of such settlement, there is hardly any likelihood of the offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated. The above list is illustrative and not exhaustive. Each case will depend on its own facts and no hard-and-fast category can be prescribed.

4. Applying the aforesaid parameters in the facts of the present case, this



Court is of the opinion that the Petitioner is alleged of a very serious offence which is of giving forged and fabricated documents to obtain several loans from the bank. This Court is of the opinion that since the allegations are that to secure credit facilities, the Petitioner has submitted forged and fabricated documents as collaterals and utilizing such facilities, the Petitioner has induced the bank to give loans, the present case is not a criminal matter involving overtures of a civil dispute and quashing such an FIR will actually amount to abuse the process of Court and it will not be in the interest to secure justice.

5. This Court is, therefore, not inclined to exercise its jurisdiction under Section 482 Cr.P.C to quash the present FIR.

6. In view of the fact that chargesheet has been filed in the year 2016, the Trial Court is requested to proceed expeditiously in the matter.

7. With these observations, the petition is disposed of, along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

AUGUST 14, 2024

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