
(2013) 01 DEL CK 0057
In the Delhi High Court
Case No : Crl. M.C. 3293/2012

Om Prakash Singh

APPELLANT

Vs

State (NCT of Delhi) and Others

RESPONDENT

Date of Decision : 08-01-2013

Acts Referred:

Citation : (2013) 01 DEL CK 0057

Hon'ble Judges : G.P. Mittal, J

Bench : Single Bench

Final Decision : Allowed

Judgement

G.P. Mittal, J.—This is a Petition u/s 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) preferred by the Petitioner for quashing of FIR No. 272/2011, u/s 420/468/471 IPC, Police Station Begumpur and consequential proceedings arising out of the same. FIR No. 272/2011 was registered in the Police Station Begumpur on the complaint made by Respondent No. 3 Urmila Chaudhary to the effect that a sum of Rs. 23.75 lacs was paid by Respondent No. 3 to the Petitioner as sale consideration of Plot No. 43-G, Pkt. 25, Sector 24, Rohini, Delhi. Later on, the Complainant came to know that the Petitioner was not the rightful owner of the Plot sought to be sold. When this fact was brought to the notice of the Petitioner, a sum of Rs. 15 lacs was returned. The remaining amount was, however, not returned. Respondent No. 3 thus lodged a report with the police.

2. During hearing of the Bail Application on 17.03.2012, a sum of Rs. 8 lacs was paid on behalf of the Petitioner (by the Petitioner's wife) to Respondent No. 3. It was agreed that a sum of Rs. 1 lac shall be paid at the time of quashing of the FIR. The understanding is admitted by Respondent No. 3 who is present in person.

3. The learned counsel for Respondent No. 3 has however, urged that Respondent No. 3 has apprehension that Petitioner may take some proceedings

against Respondent No. 3 to her prejudice in respect of the transaction. The Petitioner, who is present in person undertakes that he will not initiate any proceedings in respect of the transaction in question.

4. Ms. Rajdipa Behura, APP for the State has gone through the FIR and admits the averments about the dispute between the parties.

5. It goes without saying that the offence punishable u/s 468 and 471 IPC are non compoundable.

6. In the case of Gian Singh Vs. State of Punjab and Another, , the three Judges Bench of the Supreme Court dealt with the issue of quashing of FIR in non compoundable offences. Para 57 of the report is extracted hereunder:-

57. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences u/s 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and pre-dominantly civil flavour stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of

law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.

7. Both the parties are present in person. A sum of Rs. 1,00,000/- by way of demand draft No. 461721 dated 05.12.2012 drawn on The Federal Bank Limited has been paid by the Petitioner to Respondent No. 3 in the Court today.

8. In view of the amicable settlement arrived at between the parties, in my view, no useful purpose would be served by continuing the criminal proceedings against the Petitioner. The Petition is accordingly allowed and FIR No. 272/2011, u/s 420/468/471 IPC, Police Station Begumpur and the proceedings arising there from as against the Petitioner are quashed.