
(2012) 12 DEL CK 0011

In the Delhi High Court

Case No : Criminal M.C. No. 2306 of 2012

Puneet Kumar Sharma and Others

APPELLANT

Vs

The State of Delhi and Another

RESPONDENT

Date of Decision : 13-12-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 320, 482
Penal Code, 1860 (IPC) — Section 120B, 406, 419, 420, 465

Citation : (2013) 2 AD 266 : (2013) 1 JCC 458

Hon'ble Judges : P.K. Bhasin, J

Bench : Single Bench

Advocate : R.S. Juneja, for the Appellant; M.N. Dudeja, APP for the State and Complainant in person, for the Respondent

Final Decision : Allowed

Judgement

P.K. Bhasin, J.—This petition has been filed by the petitioners u/s 482 of the Code of Criminal Procedure, 1973 for quashing of the FIR No. 200/2000 dated 26th July, 2000 under Sections 406 /419 /420 /465 /467/ 468 /471 /120-B IPC registered against them at Police Station Welcome at the instance of the complainant-respondent no. 2, as well as their trial going on in the Court of Additional Chief Metropolitan Magistrate in respect of the said FIR. The FIR sought to be quashed was registered at the instance of respondent no. 2, who is the sister of petitioner no. 3 and aunt of petitioner no. 2. She owned one residential property bearing no. E-1/74, Sector 11, Faridabad Model Town Scheme, Faridabad, (Haryana). The complainant alleged that petitioner nos. 2 and 3 had forged a power of attorney purporting to be her power of attorney in favour of petitioner no. 2 authorising him to sell the said property and on the basis of that forged power of attorney dated 31st March, 1993 sold the said plot.

2. After investigation, the police filed a charge-sheet in Court against the three petitioners herein for their having committed offences punishable under Sections 406 /419 /420 /467 /468 /471/ 120-B IPC.

3. However, during the trial, the parties entered into a compromise vide Compromise Deed dated 9th July, 2012 with the intervention of the relatives and friends and as a consequence thereof the petitioners filed the present petition for the quashing of the criminal case against them. Along with the present petition they annexed the Compromise Deed as Annexure C.

4. The respondent no. 2-complainant appeared in person in Court on 13th July, 2012 and gave her no objection for quashing of the criminal case against the petitioners. She also confirmed that she had sworn an affidavit to the same effect and the same had been filed by the petitioners along with the present petition.

5. In view of the compromise between the petitioners and respondent no. 2-complainant, learned APP for the State had submitted that this Court could pass any appropriate orders in the matter.

6. A three Judges bench of the Hon''ble Supreme Court in a recent judgment in Gian Singh Vs. State of Punjab and Another, dealt with the aspect of quashing of non-compoundable criminal proceedings by the High Courts in exercise of the inherent powers u/s 482 of the Code of Criminal Procedure and after noticing all the earlier judgments delivered by it on the point came to the following conclusions:-

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..... the criminal cases having overwhelmingly and pre-dominantly civil favour 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. Since the criminal proceedings against the petitioners were a consequence of family dispute between the brother and sister and both of them having resolved their dispute amicably and as per the terms of Compromise Deed interest of the purchaser of the property in question has also been taken care of this Court is of the view that continuation of criminal proceedings against the petitioners would be an abuse of the process of the Court and to secure the ends of justice this Court should quash the ongoing trial of the petitioners in respect of the already noted FIR. This petition is accordingly allowed and FIR No. 210/2000 registered at Welcome Police Station as well as the trial of the petitioners in respect of the said FIR are quashed.