

Rajan Gupta & Anr vs State Through Sho Ps North Rohinni & Anr on 31 January, 2025

Author: Sanjeev Narula

Bench: Sanjeev Narula

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IN THE HIGH COURT OF DELHI AT NEW DELHI
W.P.(CRL) 2195/2023
RAJAN GUPTA & ANR.

Through:

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STATE THROUGH SHO PS NORTH ROHINNI & ANR

Through: Mr. Sanjeev
(Criminal) with Mr.
Mr. Nikunj Bindal,
State.
SI Meenakshi Mann,
Rohini.
Ms. Devina Sharma,
2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

OR

% 31.01.2025

1. The present petition has been filed under Article 226 of the Constitution of India, 1950 read with Section 482 of Criminal Procedure Code, 1973, seeking quashing of FIR No. 335/2017, dated 31st July, 2017, filed under Sections 392, 411 and 34 of Indian Penal Code, 1860, registered at P.S. North Rohini, along with all consequential proceedings emanating therefrom.

2. Briefly stated, the case of prosecution against the Petitioners, (Rajan "CrPC"

"IPC"

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The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 14/02/2025 at 23:58:18 Gupta and Bitto Prakash) is as follows:

2.1. A complaint was filed by Respondent No.2/Complainant, on the basis of which the present FIR was registered. The Complainant stated that he works at Sridhar Milk Pvt. Ltd. Co. and drives a Milk Truck from Rithala to Nabi Karim, Paharganj, Delhi. On 31st July, 2017, the Complainant and his helper were going to deliver milk towards Madhuban Chowk when, at around 03:40 AM, near Rohini Metro Station, the present Petitioners stopped their scooty in front of the Truck and started a quarrel with the Complainant, after which, they took their vehicle away, along with the helper inside. Soon after, a PCR van arrived at the location, leading to the apprehension of the Petitioners.

2.2. On the basis of investigation, a chargesheet was filed on 4th September, 2017, under Sections 392, 394, 365, 411 and 34 of IPC. Further, charges have also been framed against the Petitioners. The Trial Court has also framed charges against the Petitioners. However, the prosecution has not yet commenced the examination of witnesses.

3. The present petition has been filed in light of an amicable settlement between the Petitioners and the Complainant/Respondent No. 2, as recorded in a Memorandum of Understanding³ dated 31st July, 2023. A copy of the same has been placed on record.

4. In view of this settlement, the Complainant has expressed his unequivocal intent not to pursue the FIR proceedings against the Petitioners.

5. The Supreme Court in *Gian Singh v. State of Punjab & Anr.*⁴ has clarified that even non-compoundable offences can be quashed on the basis "MoU"

(2012) 10 SCC 303 This is a digitally signed order.

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"11. As discussed above, offence punishable under Section 186/332/353 of the IPC are non compoundable being of serious nature, however, if the Court feels that continuation of criminal proceedings will be an exercise in futility and justice in this case demands that the dispute between the parties is put to an end and peace is restored, it can order for quashing of the FIR or criminal proceedings as it is the duty of the Court to prevent continuation of unnecessary judicial process.

12. In view of the law discussed above, considering the Settlement arrived at between the parties and the statements of respondent no.1 & 2, I am of the considered opinion that this matter deserves to be given a quietus as continuance of proceedings arising

out of the FIR in question would be an an exercise in futility."

6. Further, in *Narinder Singh & Ors. v. State of Punjab & Anr.*,⁵ the Supreme Court held as follows:

"29. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:

29.1. Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution. 29.2. When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:

(i) ends of justice, or

(ii) to prevent abuse of the process of any court.

While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives."

[Emphasis Supplied] (2014) 6 SCC 466 This is a digitally signed order.

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7. Applying the principles laid down in the above decisions, this Court notes that while the offence under Section 392 IPC is non-compoundable, the inherent power under Section 482 CrPC allows this Court to quash criminal proceedings in cases where an amicable settlement has been reached.

8. The parties present before the Court are duly identified by the IO, as well as their counsel. The Complainant confirms the settlement dated 31st July, 2023 and states that parties, with the assistance of their family members, amicably resolved their dispute. He confirms the receipt of INR 60,000/- from the Accused towards losses incurred by him.

9. While it is true that offences under Sections 392 and 411 of IPC are not offences in personam, meaning they affect society at large and not just the individual complainant, the Court must also take into account the practical realities of securing a conviction in the present case. The Supreme Court has consistently held that where the chances of conviction are remote due to an amicable

settlement between the parties, the Court should consider whether continuing the prosecution would serve any meaningful purpose. Since the complainant has entered into a voluntary and genuine settlement, and is unwilling to pursue the case, the likelihood of conviction diminishes significantly. Thus, considering the totality of circumstances, the Court is of the view that allowing the prosecution to continue would serve no useful purpose. It would not only be a waste of judicial time but would lead to an unnecessary burden on the State Exchequer. In light of the settled legal position, the present case is fit for quashing under Section 482 of CrPC.

10. However, since the State machinery was set in motion based on the impugned FIR, it is appropriate to impose costs on the Petitioners.

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11. In view of the foregoing, the present petition is allowed and FIR No. 335/2017 under Sections 392, 411 and 34 of IPC registered at P.S. North Rohini and all the proceedings emanating therefrom are quashed.

12. It is expected that the parties shall abide by the terms of settlement.

13. Accordingly, the petition is disposed of.

14. Pending applications, if any, are disposed of as infructuous.

SANJEEV NARULA, J JANUARY 31, 2025 as This is a digitally signed order.

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