

Sachin Jain And Ors vs The State (Nct Of Delhi) And Anr on 11 May, 2022

Author: Prateek Jalan

Bench: Prateek Jalan

\$~32

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(CRL) 1097/2022

SACHIN JAIN AND ORS

Through:

..... Petiti
Mr. Mahesh Kumar Tiwari and
Mr. Bishnu Prasad Tiwari,
Advocates.

versus

THE STATE (NCT OF DELHI) AND ANR.

..... Respondents

Through: Ms. Nandita Rao, ASC for State
with SI Praveen Kumar, PS-Lahori
Gate.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN
ORDER

% 11.05.2022 CRL.M.A. 9151/2022 (for exemption) Exemption allowed, subject to all just exceptions. This application stands disposed of.

W.P.(CRL) 1097/2022

1. Issue notice. Ms. Nandita Rao, learned Additional Standing Counsel, accepts notice on behalf of the State. The petition is taken up for disposal with the consent of learned counsel for the parties.

2. The petitioners have filed this petition under Article 226 of the Constitution read with Section 482 of the Code of Criminal Procedure, 1973 ["CrPC"], seeking quashing of FIR No. 570/2021, dated 13.10.2021, registered at Police Station- Lahori Gate, under Sections 448/380/506/34 of the Indian Penal Code, 1860 ["IPC"].

3. The respondent No.2 is the complainant in the present FIR wherein he has alleged that the petitioners have tried to trespass his portion of the property (586, 3rd Floor, Bade Mandir, Gali Ghanteshwar, Katra Neel) ["the property"], the other portion of which is owned by the petitioner No.1. It is stated in the FIR that the petitioner No.1 alongwith other petitioners, on apprehending threat and danger that could be caused to the public at large by the property, parts of which were on

the verge of collapsing, took steps for its maintenance and restoration. The complainant, being the owner of some portion of the property, apprehended that the steps taken by the petitioners could cause harm to his peaceful possession of the property, which resulted in the registration of the present FIR.

4. It is further stated that the parties have, with the intervention of well-wishers, decided to settle their disputes, and have entered into a settlement. The Memorandum of Understanding/Settlement dated 07.04.2022 to this effect has also been placed on record. The petitioners and the complainant are present in Court today, and they have been identified by their respective learned counsel, as well as by the Investigating Officer. The complainant confirms that he does not wish to proceed in respect of the subject FIR. The complainant further confirms that he has entered into the settlement agreement of his free will, and without any pressure or coercion from any party.

5. The power of the Court to quash criminal proceedings on the ground of a settlement has been considered by the Supreme Court in a number of cases. While emphasising that the exercise of the power under Section 482 of the CrPC in a particular case would depend upon the facts and circumstances of the case and no hard and fast categorisation is possible, the Supreme Court in *Gian Singh vs. State of Punjab & Anr.* (2012) 10 SCC 303 [paragraph 58] observed that the wrong is basically to the victim and the quashing of criminal proceedings in such a case may be appropriate even if the offences have not been made compoundable. Similarly, the guidelines laid down in *Narinder Singh & Ors. vs. State of Punjab & Anr.* (2014) 6 SCC 466 [paragraph 29.4] contemplate that FIRs in cases where there is/was a pre-existing familial or other personal relationship between the parties may be considered in this context. Such proceedings, can be quashed if it would meet the ends of justice or prevent the abuse of the process of the Court.

6. Having regard to the aforesaid facts, it appears that the complainant and the petitioners are owners of portions of the property. There was a misunderstanding between them which has since been settled. The complainant has accepted the compensation paid by the petitioners and does not wish to proceed with the criminal proceedings. The acts complained of concern apprehension of threat to the title and possession of the complainant in the property and are largely of private nature rather than of any injury to society at large. The parties have entered into a voluntary settlement and the likelihood of conviction is also much diminished. The settlement was entered into shortly after the incident complained of and the registration of the FIR. In these circumstances, I am of the view that no useful purpose would be served in keeping the criminal proceedings pending, and it would be in the interest of justice to quash the FIR at this stage.

7. The petition is, therefore, allowed, and FIR No. 0570/2021, dated 13.10.2021, registered at Police Station- Lahori Gate, under Sections 448/380/506/34 of the IPC, alongwith all the consequential proceedings emanating therefrom, stands quashed.

8. The writ petition is disposed of with these directions.

PRATEEK JALAN, J MAY 11, 2022 'vp' Click here to check corrigendum, if any