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

+ CRL.M.C. 378/2011

SAHARA INDIA COMMERCIAL CORPORATION LTD. & ORS.

..... Petitioners

Through Mr. Rajiv Nayyar, Sr. Adv. along
with Mr. Keshav Mohan, Ms. Amrita
Narayan, Adv.

versus

STATE GOVT. OF NCT OF DELHI & ANR. Respondents

Through Ms.Jasbir Kaur, APP for the State.
Mr. Rajesh Pathak, Adv. for R-2.

+ CRL.M.C. 379/2011

SWAPNA ROY

..... Petitioner

Through Mr. Rajiv Nayyar, Sr. Adv. along
with Mr. Keshav Mohan, Ms. Amrita
Narayan, Adv.

versus

STATE GOVT. OF NCT OF DELHI & ANR. Respondents

Through Ms.Jasbir Kaur, APP for the State.
Mr. Rajesh Pathak, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN SINGH

ORDER

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29.05.2015

Crl. M.A. No.8669/2015 & Crl. M.A. No.8670/2015

The above mentioned matters are listed in the category of
"Regular Matters". In the meanwhile the above mentioned

applications filed for disposal of the main petitions filed before this Court under Section 482 Cr.P.C. r/w Article 227 of the Constitution of India for quashing of complaint case No.337/1/2009 under Sections 420/468/120-B/34/37 IPC and order dated 24th January, 2011 and all the proceedings thereunder against them.

The opposite party/ respondent No.2 had instituted a criminal complaint case No.337/1/2009 under Sections 420/468/120-B/34/37 IPC in the Court of Chief Metropolitan Magistrate in which after recording the statements of the complainant Mr. Neeraj Pandey and his wife Mrs. Bewena Pandey, the Court had summoned the petitioners on 24th January, 2011 to face trial under Sections 420/468/120-B IPC. Due to the good gesture offered by the parties, the parties have arrived at an amicable settlement of the disputes and consequently, the petitioners and respondent No.2 have compromised the matter out of the Court on receiving the entire pending outstanding amount as full and final settlement between the parties to their complete satisfaction. The parties have withdrawn all the allegations and counter allegations made against each other. Both the parties do not wish to pursue the criminal/civil proceedings filed against each other and/or to lead any further evidence in the matter. That the Supreme Court of India in its judgment cited as AIR 2008 SC 1969 and passed in the case of *Madan Mohan Abbot vs State of Punjab* while enumerating the facts to be taken into consideration when the dispute is purely of a personal nature between two contesting parties and parties have compromised their disputes, the Courts should ordinarily accept the terms of the compromise even in

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criminal proceedings since keeping the matter alive with no possibility of a result in favour of the prosecution, is a luxury which the Courts grossly overburdened as they are, cannot afford and that the time so saved can be utilized in deciding more effective and meaningful litigations.

In view of the law laid down by the Apex Court in "*Narinder Singh & Ors. vs State of Punjab & anr*" 2014(2) JIC 657 (SC), even in non-compoundable cases, the High Court should accept the compromise and quash the proceedings thereunder, pending in the subordinate Court, if the parties have come to compromise. The Apex Court further held that in view of the compromise between the parties, there is a minimal chance of the witnesses coming forward in support of the prosecution case. The aforementioned observations were made by the Supreme Court in FIR No.121/147 registered under Section 307/324/323/34 IPC in which parties have entered into compromise. The Apex Court, while concurring with the various previous verdicts of the Supreme Court, directed the High Court of Punjab & Haryana to accept the compromise and quash the entire proceedings relating to the aforesaid case. This view is further retreated recently by three-Judges Bench of the Apex Court in "*Yogendra Yadav & Ors vs State of Jharkhan & Ors*" 2015 (1) JIC 192(SC), observing that where parties have amicably settled their dispute though offences are not compoundable, the High Court can quash a criminal proceedings under Section 482 Cr. P.C.

Heard learned counsel for both the parties. There is a force in the prayer made in the application that entire proceedings of

complaint case No.337/1/2009 including the summoning order dated 24th January, 2011 is liable to be quashed on the basis of the compromise arrived at between the parties. Ordered accordingly. The entire proceedings of complaint case No.337/1/2009 including the summoning order dated 24th January, 2011 is liable to be quashed on the basis of the compromise arrived at between the parties.

Both the petitions and pending applications are disposed off accordingly. *Dasti* to both the parties.


MANMOHAN SINGH, J.

MAY 29, 2015/vp