

IN THE HIGH COURT OF DELHI AT NEW DELHI

SUBJECT : INDIAN PENAL CODE

Date of hearing and order: December 05, 2008

CrI. M.C. No. 1002/2007

Sh. R.P. Gupta and Anr. ... Petitioners
Through: Mr. Vinod Kumar with Mr. Nitesh Tyagi, Advocates

versus

State ... Respondents
Through: Mr. R.N. Vats, Additional Public Prosecutor for State with SI
Satvinder Singh.

SUNIL GAUR, J. (Oral)

1. Petitioner No. 1 was the Secretary of Mount Everest Cooperative Group Housing Society, Sector 9, Dwarka, New Delhi and in the said society, a flat No. A-33, MIG was allotted to petitioner No. 2 upon payment of Rs. 10.5 lakhs but somehow the possession of that flat was not given to petitioner No. 2, which led to registration of FIR No. 93/2005 under Section 420/120B of the IPC on 18th March, 2005. Chargesheet under Section 420/467/468/471 of the IPC has been filed in this matter before the Trial Court.

2. Now, in this joint petition, quashing of the aforesaid FIR and the proceedings arising therefrom is sought on the ground that the aforesaid dispute between the two petitioners stands mutually and amicably resolved vide Compromise Deed, which is on page 21 of the paper book. Today, both the petitioners are present and they have been duly identified by SI Satvinder Singh, Investigating Officer of this case. Petitioner No. 2 states that he has been refunded the amount of the aforesaid flat and he has no objection to the quashing of the FIR in question and the proceedings arising therefrom.

3. Apex Court in case of Madan Mohan Abbot V. State of Punjab (2008) 4 Supreme Court Cases 582 observed as under :- “We need to emphasis that it is perhaps advisable that in disputes where the question involved is of a purely personal nature, the court should ordinarily accept the terms of the compromise even in criminal proceedings as 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 litigation. This is a common sense approach to the matter based on ground of realities and bereft of the technicalities of the law.”

4. Considering the fact that the dispute which is subject matter of the FIR in question stands amicably and finally resolved between the parties, I see no purpose in continuing with the proceedings arising out of the FIR in question. Consequently, FIR No. 93/2005 under Section 420/120B of the IPC and the proceedings emanating therefrom stand quashed.

5. The petition as well as pending applications, if any, stand disposed of.

Sd/-
Sunil Gaur, J.