

Som Dutt and ors Vs. State and anr

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Court : Delhi

Decided On : Dec-12-2011

Appellant : Som Dutt and ors

Respondent : State and anr

Judgement :

\$~30 * IN THE HIGH COURT OF DELHI AT NEW DELHI + CRL.M.C. 4115/2011
% Judgment delivered on:12th December, 2011 SOM DUTT and ORS.
Petitioner Through : Mr.Sanjay Goel, Adv. versus STATE and ANR.
Respondent Through : Mr. Naveen Sharma, APP. CORAM: HON'BLE MR.
JUSTICE SURESH KAIT SURESH KAIT, J. (Oral) 1 Learned counsel for the
petitioners submits that initially, the respondent No.

2. has filed complaint case against the petitioners and thereafter the same was
converted into FIR No.

94. dated 11.03.2009 under Sections 420/467/506/468/471/469/379 of Indian
Penal Code, 1860 at P.S. Burari.

2. Learned counsel further submits that respondent No. 2, due to the intervention
of neighbourers and relatives has amicably settled all the issues qua the aforesaid
FIR and he does not want to pursue the case further in lieu of the settlement
arrived at between the parties, due Crl.M.C.4115/2011 *Page 1 of 3* to the
intervention of neibourers and relatives.

3. Learned APP for State submits that all the sections in the present FIR are non-compoundable except Section 420 Indian Penal Code, 1860.
4. Learned APP for State has referred the case of Hon'ble Supreme Court in Gian Singh Vs. State of Punjab and Anr. in SLP (Crl.) No.8989/2010 wherein the Division Bench of the Supreme Court has referred three earlier decisions viz, B.S. Joshi V. State of Haryana (2003) 4 SCC 675, Nikhil Merchant v. Central Bureau of Investigation and Anr. (2008) 9 SCC 677 and Manoj Sharma Vs, State and Ors. (2008) 16 SCC 1 to the larger Bench for re-consideration whether the abovesaid three decisions were decided correctly or not.
5. Previously, I have taken the view on the basis of the judgment of the Division Bench of Mumbai High Court in Nari Motiram Hira Vs. Avinash Balkrishnan and Anr. in Crl.W.P.No.995/2010 decided on 03.02.2011 whereby the Division Bench of Mumbai High Court has permitted for compounding of the offences under Section 452/324 of Indian Penal Code which were of 'non-compoundable' category as per Section 320 Cr. P.C. and the FIR No.50/2010 registered at Amboli Police Station, Andheri dated 06.02.2010, was quashed..
6. Therefore, I feel that unless and until, the decisions which have been referred above, are set aside or altered, the same decisions are the precedent and have binding effect.
7. Learned APP further submits that alternatively, if the court is Crl.M.C.4115/2011 *Page 2 of 3* inclined to quash the present FIR, then heavy costs may be imposed upon the petitioners as in the process, the Government Machinery has been pressed and the precious time of the court has been consumed.
7. Respondent No.
2. is personally present in the court today . He has been duly identified by IO of the case, Inspector V.K. Tyagi, DIG/North District.
8. Respondent No.2 submits that he has amicably settled all the issues with the petitioners qua the aforesaid FIR and he does not want to pursue the case further. He has no objection if the present FIR is quashed.

9. Learned counsel for petitioners submits on instructions that petitioners are interested to donate Rs.20,000/- each towards some welfare schemes.

10. Accordingly, I direct the petitioners to deposit Rs.20,000/- each in favour of Delhi Police Welfare fund within 02 weeks from today. The proof of the same shall be placed on record.

11. In the interest of justice and keeping in view the statement of respondent No. 2, I quash the FIR No. 94/2009 registered at P.S. Burari and all the proceedings emanating therefrom.

12. Criminal M.C. 4115/2011 is allowed.

13. Dasti. SURESH KAIT,J DECEMBER 12, 2011 j CrI.M.C.4115/2011 Page 3 of 3

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