

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1430 OF 2019  
(@ Special Leave Petition (Criminal) No.2524 of 2019)

SARITA & ORS. Appellant(s)

VERSUS

STATE (GOVT. OF NCT OF DELHI) & ANR. Respondent(s)

O R D E R

Uday Umesh Lalit, J.

Leave granted.

FIR No.582 of 2013 dated 29.11.2019 was registered at Police Station Hari Nagar, West Delhi, Delhi alleging that the appellants were guilty of having committed offence punishable under Section 420 read with Section 34 of Indian Penal Code, 1860 (hereinafter referred as 'IPC'. It was alleged that the appellants had cheated the complainant in the sum of Rs.20,60,000/- (Rupees Twenty Lakhs and Sixty Thousands Only).

The parties thereafter settled the matter by entering into a deed of compromise dated 08.01.2014 under which the appellants agreed to pay to the complainant a sum of Rs.8,50,000/- (Rupees Eight Lakhs Fifty Thousand Only). The recitals in the Deed were as under:

"That the Second Party and the First Party have amicably settled their dispute and as per the settlement the applicants will pay Rs.8,50,000/- to the Complainant and Rs.2,50,000/- is to be given at the time of hearing of

their bail application and remaining balance of Rs.6,00,000/- will paid in equal four installments after every 45 days.

That the First Party will cooperate the Second Party to quashing of the FIR No.582/2013 u/s 420/34 IPC, P.S. Hari Nagar before the Hon'ble High Court of Delhi or will compound the matter before trial court. The first party will not demand extra money from second party.

That the abovesaid settlement between the parties is without any force, coercion, fraud, undue influence and on the humanitarian grounds."

It is a matter of record that out of the agreed sum of R.8,50,000/-, the appellants made over to the complainant a sum of Rs.7,50,000/- (Seven Lakhs Fifty Thousand) and were ready to hand over the remaining amount of Rs.1,00,000/- (Rupees One Lakhs). An affidavit was thereafter sworn by the complainant to the following effect:-

"2. That the deponent has settled their all disputes amicably out of court for the sum of Rs.8,50,000/- and out of which the deponent has received Rs.7,50,000/- by way of draft, cheque and cash till date and remaining Rs.1,00,000/- shall be paid by the above person at the time of quashing the FIR No.582/13 by the competent court of law.

3. That the deponent has earlier acknowledged the payments whatever received by the deponent vide compromise deed.

4. That the deponent undertakes and assured Shri Amarjit Singh, Sarita and Harpreet Singh through this affidavit that the deponent will cooperate the above person for quashing of the FIR No.582/2013 against which the deponent has already amicably settled their dispute and received the payment of Rs.7,50,000/-.

5. That the deponent has no objection if the said FIR is quashed by the Hon'ble High Court or competent court of law.

6. That the deponent takes all responsibility whatsoever of all nature if the FIR is not quashed by the Hon'ble High Court then the deponent will return the entire payment which the deponent has received from Shri Amarjit Singh, Sarita and Harpreet as aforesaid relating to the FIR No.582/13 u/s 420/34 IPC P.S. Hari Nagar."

An application under Section 482 Cr.P.C. being Criminal Miscellaneous Case No.3546 of 2014 was filed in the High Court of Delhi by the appellants seeking quashing of the aforesaid FIR No.582/2013 and proceedings taken in pursuance thereof.

The High Court observed that since the offence could be compounded on the strength of the agreement entered into between the parties, the appropriate forum was to approach the Trial Court and, as such, said Criminal Miscellaneous Case No.3546 of 2014 was allowed to be withdrawn on 23.09.2014.

The appellants thereafter filed an appropriate application seeking compounding of the offence before the Trial Court. However, the complainant refused to settle the matter unless the entire amount was received by her.

The trial Court therefore by its order dated 03.03.2015 dismissed the application preferred by the appellants. This led to the filing of another application under Section 482 Cr.P.C. being Criminal Miscellaneous Case No.4590 of 2015 by the appellants in the High Court.

The application having been dismissed by the High Court vide its order dated 31.10.2018, the appellants are in appeal before this Court.

It has been accepted by the learned counsel appearing for the complainant that (i) the deed of compromise was entered into between the parties; (ii) the deed was entered into by respondent without being subjected to any elements such as fraud, misrepresentation or coercion; and, (iii) the complainant had received a sum of Rs.7,50,000/- (Seven Lakhs Fifty Thousand) in pursuance of the afore-mentioned deed of compromise.

In the circumstances, we see no reason why the intent of the parties under the deed of compromise ought not to be taken to logical conclusion. We, therefore, put it to the learned counsel for the complainant to accept the balance sum along with some additional compensation for the lapse of time. We quantified the sum at Rs.1,50,000/- (Rupees One Lakhs Fifty Thousand Only) and the appellants have kept the cheque in said sum ready to be handed over to the complainant.

We, therefore, accept the plea taken by the appellants, set aside the view taken by the High Court and allow this appeal.

We direct the learned counsel for the appellants to hand over said cheque in the sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand). The cheque has been handed over to the complainant who is present in the Court.

Consequently the proceedings in pursuance of aforesaid FIR No.582 of 2013 dated 29.11.2019 as against the present appellants stand quashed.

The appeal is allowed in aforesaid terms.

.....J.  
[UDAY UMESH LALIT]

.....J.  
[VINEET SARAN]

NEW DELHI;  
SEPTEMBER 19, 2019

ITEM NO.21

COURT NO.7

SECTION II-C

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

Criminal Appeal No.1430/2019

(@ Special Leave Petition (Criminal) No.2524 of 2019)

SARITA &amp; ORS.

Appellant(s)

VERSUS

STATE (GOVT. OF NCT OF DELHI) &amp; ANR.

Respondent(s)

(IA No.36696/2019 - FOR EXEMPTION FROM FILING C/C OF THE  
IMPUGNED JUDGMENT; and, IA No.41671/2019 - FOR PERMISSION TO  
FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 19-09-2019 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT  
HON'BLE MR. JUSTICE VINEET SARAN

For Appellant(s) Mr. Dharam Raj Ohlan, Adv.  
Mr. Robin Khokhar, AOR

For Respondent(s) Mr. A.K. Srivastav, Sr. Adv.  
Mr. Vikrant Yadav, Adv.  
Mr. Ravi Kr. Verma, Adv.  
Mr. B. V. Balaram Das, AOR

Mr. Rajinder Kumar Verma, Adv.  
Mr. Vikrant Yadav, Adv.  
Ms. Nidhi, AOR

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(KAVITA PAHUJA)  
COURT MASTER

(SUMAN JAIN)  
BRANCH OFFICER

(Signed Order is placed on the file)