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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 523/2020**
VIKAS CHADHA & ORS Petitioners
Through: Ms. Aditi Singh, Advocate with
petitioners in person.
versus

THE STATE & ANR Respondents
Through: Ms. Manjeet Arya, APP for State with
SI Kamal Sharma, P.S. Patel Nagar.
Respondent no.2 in person.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI
ORDER
% **31.01.2020**

1. The present proceedings are instituted seeking quashing of FIR No. 95/2017 under Sections 420/406/120-B/34 IPC registered at P.S. Patel Nagar on the ground of settlement having been arrived at between the petitioners and respondent no. 2.
2. As per the prosecution case, the FIR was filed against the petitioners on the complaint of respondent No.2 alleging that the petitioners cheated and dishonestly induced him to get into a construction agreement for a property located at West Patel Nagar without disclosing that the said property was obtained through loan and stood mortgaged with certain financial institutions.
3. Learned APP for the State submits that the charge sheet in the present case has been filed under the aforesaid sections against the petitioners and respondent no.2 is the only complainant/victim.

4. Learned counsel for the petitioners submits that the petitioners and respondent No.2 have settled their disputes vide Memorandum of Understanding, a copy whereof has been placed on record. In terms of the settlement, respondent no.2 is now left with no claim whatsoever against the petitioners.

5. The petitioners and respondent no.2 are present in person and have been identified by the Investigating Officer.

6. Respondent no. 2 states that he has entered into the settlement with the petitioners out of his own free will, volition and without any undue force, pressure or coercion. He further states that he has no objection if the present FIR and the consequent proceedings are quashed.

7. Learned counsel for the petitioners submits that no other proceedings are pending between the parties.

8. The parties shall remain bound by their statements made in Court today.

9. In Parbatbhai Aahir and Ors. Vs. State of Gujarat and Ors. reported as (2017) 9 SCC 641, it has been held as under:-

“(16) The broad principles which emerge from the precedents on the subject, may be summarised in the following propositions:

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(16.7) As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing in so far as the exercise of the inherent power to quash is concerned;

(16.8) Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate

situations fall for quashing where parties have settled the dispute;

(16.9) In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice; and”

10. Similarly, in The State of Madhya Pradesh Vs. Laxmi Narayan and Ors. reported as **(2019) 5 SCC 688**, it has been held as under:-

“15. Considering the law on the point and the other decisions of this Court on the point, referred to hereinabove, it is observed and held as under:

15.1) That the power conferred Under Section 482 of the Code to quash the criminal proceedings for the non-compoundable offences Under Section 320 of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;”

11. In view of the settlement arrived at between the parties voluntarily, in my view, no useful purpose will be served in continuance of the present criminal proceedings. Accordingly, in the interest of justice, the aforesaid FIR and the consequent proceedings emanating therefrom are hereby quashed, subject to costs of Rs.20,000/- to be deposited with the Delhi High Court Legal Services Committee within one week from today. Receipt, evidencing deposit of costs, be filed in the Registry as well as handed over to the Investigating Officer.

12. With the above directions, the petition is disposed of. Miscellaneous
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application is disposed of as infructuous.

13. Order *dasti* to the counsels for the parties.

MANOJ KUMAR OHRI, J

JANUARY 31, 2020

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