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

+ CRL.M.C. 1264/2020 & CrI. M.A. 4888/2020

PRADEEP KUMAR JHA & ORS. Petitioners

Through: Ms. Priyanka Singh and Mr. Anil
Kumar, Advs.

Versus

STATE & ANR. Respondent

Through: Ms. Ashaa Tiwari, APP for State with
SI Ram Avtar, P.S. Parsad Nagar and
SI Munish Kumar/IO, EOW, Mandir
Marg.
Mr. R.K., Advocate for R-2 with R-2
in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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05.03.2020

1. The present proceedings are instituted seeking quashing of FIR No. 42/2012 under Sections 419/420/468/471/120-B IPC registered at P.S. Prasad Nagar on the ground of settlement having been arrived at between the petitioners and respondent no. 2.
2. As per the case of the prosecution, the present FIR was registered at the instance of respondent no.2 as he alleged that the petitioners cheated him of an amount of Rs.6,05,000/- on the pretext of getting his son employed and also issued forged documents in pursuance of the same.

3. Learned APP for the State submits that the charge sheet in the present case has been filed against the present petitioners and respondent no.2 is the only complainant.
4. Learned counsel for the petitioners submits that the petitioners and respondent no.2 have entered into a settlement vide Memorandum of Understanding dated 29.01.2020. A copy of the same is annexed with the petition as Annexure P-3. In terms of the settlement, respondent no.2 is now left with no claim whatsoever against the petitioners.
5. Petitioners and respondent no.2 are present in person and have been identified by their respective counsel as well as 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 counsels for the parties submit 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, 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 composite cost of Rs.10,000/- to be deposited by the petitioners

with the Delhi High Court Legal Services Committee within two weeks. Receipt, evidencing deposit of cost, be filed in the Registry and a copy whereof be handed over to the Investigating Officer.

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

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

MANOJ KUMAR OHRI, J

MARCH 05, 2020

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