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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 4468/2018 & CRL.M.A. 31330/2018, CRL.M.A. 3837/2020

IRFAN AHMAD KHAN

..... Petitioner

Through: Mr. Jayant Bhatt, Advocate with Mr. Hamid Khan, Mr. Mohit Dagar, Ms. Deepali, Mr. Nayantara Sharma, Ms. Apoorva Jain & Mr. Umang Verma, Advocates

Versus

STATE OF NCT DELHI & ANR

..... Respondents

Through: Mr. Mukesh Kumar, APP for State with SI Harkesh Meena, P.S. Tilak Nagar
Ms. Aishwarya Dobhal, Advocate with respondent No. 2 in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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19.02.2020

1. The present proceedings are instituted seeking quashing of FIR No. 48/2018 under Sections 420/467/468/471/34 IPC registered at Police Station Tilak Marg, Delhi on the ground of settlement having been arrived at between the parties.
2. As per the case of the prosecution, the present FIR has been registered by respondent No. 2 against the present petitioner who is his real brother and who forged his signatures and got a relinquishment deed notarised with respect to a property which is in the name of their late father.
3. Learned APP for the State, on instructions, submits that the charge sheet has been filed in the present case against the aforesaid petitioner and respondent No. 2 is only complainant/victim.

4. Learned counsel for the petitioner submits that the petitioner is the resident of *Canada* and is represented through his real brother, namely, *Kashif Nazir Khan*. He further submits that in settlement proceedings, the petitioner was represented through *Kashif Nazir Khan*, who signed the agreement on his behalf as well as on behalf of the petitioner.
5. Learned counsel for the petitioners submits that the parties have entered into a settlement on 25.09.2017 before Delhi High Court Mediation & Conciliation Centre, Delhi.
6. Learned counsel for the petitioner submit that the plot in question has been transferred in the name of respondent No. 2. In terms of the settlement, respondent no.2 is now left with no claim whatsoever against the petitioner.
7. Mr. *Kashif Nazir Khan*, the real brother of the petitioner and respondent No. 2 who are present in person are identified by their respective counsels as well as by the Investigating Officer.
8. The cost of Rs.5,000/- imposed vide order dated 12.12.2019, for non-appearance of respondent No. 2 is waived.
9. Respondent no. 2 states that he has entered into the settlement with the petitioner 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 consequent proceedings are quashed.
10. Learned counsels for the parties submit that no other proceedings are pending between the parties.
11. The parties shall remain bound by their statements made in Court today.

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

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

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(vii) 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;

(viii) 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;

(ix) 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.”

13. Similarly, in The State of Madhya Pradesh Vs. Laxmi Narayan and Ors. reported as **(2019) 5 SCC 403**, it has been held as under:-

“13. 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:

i) 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.”

14. In view of the settlement arrived at between the parties, 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.

15. With the above directions, the petition is disposed of alongwith pending applications.

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

MANOJ KUMAR OHRI, J

FEBRUARY 19, 2020/p'ma