

\$~15

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

+ CRL.M.C. 4929/2018 & CRL.M.A. 6064/2019

NAYAN KISHOR DAS & ANR.

..... Petitioners

Through: Mr. Goutam Bhol, Advocate

Versus

N.C.T. OF DELHI & ANR.

..... Respondents

Through: Ms. Manjeet Arya, APP for State with SI
Badlu Ram, P.S. Janak Puri

Mr. Rajesh Kumar Singh, Advocate for respondent
No. 2

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

%

07.02.2020

1. The present proceedings are instituted seeking quashing of FIR No. 219/2018 under Sections 420/468/471/34 IPC registered at P.S. Janak Puri Delhi, on the ground that parties have settled their disputes.
2. As per the prosecution case, the present FIR was registered on complaint of respondent no.2 wherein it has been alleged that the petitioners cheated respondent no.2 on the pretext of facilitating admission of students in various institutes and issued false certificate in pursuance of the same.
3. Ms. Manjeet Arya, learned APP for the State, submits that the charge-sheet has not been filed in the present FIR and submits that the petitioners are the only accused persons and respondent No.2 is the only victim/complainant. She, on instructions, further submits that there is no other FIR against the present petitioners.

4. Learned counsel for the petitioners submits that the parties have entered into a settlement on 09.08.2018. A copy of the same is annexed with the petition as Annexure P-2. In terms of the settlement, amount of Rs.1,70,000/- has been handed over to respondent No. 2 by way of demand draft bearing No. 613961 dated 04.12.2019 drawn on State Bank of India. Respondent No. 2 is now left with no claim whatsoever against the petitioner.

5. The petitioners and respondent No.2 are present in person and have been identified by their respective counsels and the Investigating Officer.

6. Respondent No.2, present in person, 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 is 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:

xxx

(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”

xxx

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;”

xxx

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 FIR and subsequent criminal proceedings against the petitioners. Accordingly, in the interest of justice, the aforesaid FIR, subject to costs of Rs.10,000/- to be

paid by the petitioners with “*Delhi High Court Legal Services Committee*” within a period of two weeks. Proof of deposit be filed in Court as well as with the I.O.

12. With the above directions, the petition is disposed of along with pending application.

13. Copy of this order be given *dasti* to the learned counsels for the parties.

MANOJ KUMAR OHRI, J

FEBRUARY 07, 2020/p'ma