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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 728/2018**

RAJENDER KUMAR & ORS. Petitioners

Through: Mr. Sanjeev Sharma, Advocate
alongwith Petitioner Nos. 1, 2 & 6 in person.

Versus

STATE & ANR. Respondents

Through: Mr. Mukesh Kumar, APP for State with
W/SI Sarita Vats

Mr. Vishal Kumar, Advocate with respondent No.
2 in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% 17.02.2020

1. The present proceedings are instituted seeking quashing of FIR No. 316/2015 under Sections 420/120-B IPC registered at Police Station K.N. Katju Marg, New 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 petitioners who committed forgery and cheated respondent no.2 by selling him a property that already stood mortgaged with a bank.
3. Learned APP for the State, on instructions, submits that the charge sheet has not been in the present case.
4. Learned counsel for the petitioners submits that petitioner No. 3 is not present in the Court today as he is admitted in *God Grace Nasha Mukti Kendra, Nihal Vihar* and petitioner Nos. 4 & 5 have since expired.

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5. The documents to the aforesaid facts have been placed on record.
6. The earlier petition being CRL.M.C. 3798/2015 was dismissed as withdrawn as the full and final settlement amount was not paid to the complainant. This aspect has also been stated in the Status Report filed on behalf of the State.
7. Learned counsel for the petitioners submits that the parties have entered into a settlement on 26.06.2015 before Mediation Centre, Rohini Court, Delhi. In terms of the settlement, respondent no.2 is now left with no claim whatsoever against the petitioners.
8. The petitioner Nos. 1, 2 & 6 and respondent no.2 who are present in person are identified by their respective counsels as well as by the Investigating Officer.
9. 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 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

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proceedings emanating therefrom are hereby quashed, subject to costs of Rs.25,000/- to be deposited with the *Delhi High Court Legal Services Committee* within four weeks. Receipt evidencing deposit of costs be filed in the Registry as well as with the Investigating Officer.

15. With the above directions, the petition is disposed of.

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

MANOJ KUMAR OHRI, J

FEBRUARY 17, 2020/p'ma