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

+ **CRL.M.C. 2898/2023**

RAJ BALA

..... Petitioner

Through: **Mr.Kartik Rai, Ms.Akanksha Rai and
Ms.Hitakshi, Advocates**

versus

STATE AND ORS.

..... Respondents

Through: **Mr.Amit Sahni, APP for the State.
SI Udai Singh & PSI Vishal, PS Saket
Mr. S. K Sharma & Mr.Rishabh
Tripathi, advocates for Respondent
no. 2 to 5 (through VC)**

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Date of Decision: 25.04.2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

CRL.M.A. 10860/2023 (exemption)

Exemption is allowed subject to all just exceptions.

Application stands disposed of.

CRL.M.C. 2898/2023

1. Present petition has been filed for quashing of FIR no.260/2017 dated 24.05.2017 registered under Section 420/468/471/120B/34 at PS Saket. The FIR was lodged on the statement of late Sh.Rajender Kumar Sharma against the petitioner alleging that he had purchased plot no.649, Gururam Das Nagar, Delhi from Vijay Kumar on 12.03.1987 for a sum of Rs.30,000/- through GPA, Will and receipt. Possession



was duly handed over to him and thereafter the said property was let out to Bishan Dayal Goyal through an oral tenancy. The petitioner herein namely Raj Bala Goyal is wife of Sh.Bishan Dayal goyal. It was alleged that the deceased Rajender Kumar Sharma i.e. predecessor in interest of respondents no.2 to 4 received summon from the court for a suit filed by the petitioner wherein she stated that she had purchased the suit property by selling her Stridhan. The FIR was lodged alleging that the petitioner Raj Bala had cheated and committed forgery.

2. Learned Counsel for the petitioner submits that the civil suit bearing no. 1127/2018 stands disposed of and the parties have amicably settled their disputes. The parties have entered into a settlement vide MOU dated 18.04.2023 on the following terms and conditions:

- a) That the party of the first part and the party of the second part has agreed to settle the dispute for a sum of Rs. 15,00,000/- (Fifteen Lakhs Rupees only) as full and final settlement.*
- b) That it has been agreed that party of the second part has agreed to withdraw all the cases pending for adjudication against the party of the first part and to get the FIR No. 260/17 get quashed from Hon'ble High Court of Delhi at New Delhi.*
- c) That the party of the first part and party of the second part have agreed to withdraw all their complaints or cases pending before the concerned authorities/police/court/tribunals/forums etc. in view of the present Settlement to end all their dispute and has further agreed not to file any other case against each other in future.*
- d) That Second Party shall corporate to first Party get the FIR No. 260/17 quash before the Hon'ble High Court of Delhi at New Delhi*
- e) That first Party shall pay a sum of Rs15,00,000/(Fifteen Lakhs Rupees only) to second party in three different installments which will be bifurcated in the manner given below:*



- i) *That the First installment of Rs.5,00,000/- had already been received by the Second Party at the time of withdrawal of the Civil Suit bearing no. 1127/2018 which has been disposed off vide Order dated 02.03.2022 before the court of Sh. Rakesh Kumar, ASCJ, Karkardooma Court, Delhi.*
 - ii) *That the second installment of Rs.7,00,000 shall be paid to the second party at the time of Signing the Quashing Petition of said FIR.*
 - iii) *That the remaining third & last installment of Rs. 3,00,000 shall be paid to the second party before the office of Sub-registrar at the time of execution of sale deed for the property bearing No. H. No. 649, Street No. 1, Guru Ram Das Nagar, Laxmi Nagar, Delhi-110092. The said sale deed shall be made in favour of first party.*
3. The respondents are appearing through VC and state that they have received a sum of Rs.7 lakhs in terms of the settlement and that since the disputes stands settled, they have no objection if the present FIR is disposed of. Affidavits of the respondents have been placed on record wherein it is confirmed that they have entered into the Memorandum of understanding between the parties voluntarily and free from all sort of coercion without any threat or fraud. It has also been stated that they have no objection if the FIR no. 260/2017 dated 25.05.2017 registered under section 420/468/471/120B/34 IPC at PS Saket is quashed.
4. I have considered the submissions made and perused the material on record. In ***Gian Singh v. State of Punjab***, (2012) 10 SCC 303, ***Narinder Singh v. State of Punjab***, (2014) 6 SCC 466 and ***State of M.P. v. Laxmi Narayan & Ors.***, (2019) 5 SCC 688, the Apex Court has *inter alia* held that the power to quash the criminal proceeding or complaint or FIR in cases where the offender and the victim have settled their disputes would depend on the facts and circumstances of



each case and no category can be prescribed. It was held that the criminal cases that have overwhelmingly and predominantly civil flavour including the disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute stand on a different footing. It has been held that in this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim.

5. In the present case, a bare reading of the FIR indicates that this is a property dispute which is private in nature. The parties have amicably settled their disputes. I do not see any reason to reject the settlement. It is better to put a quietus to the dispute in view of the settlement agreement between the parties. Parties seem to have entered the settlement voluntarily without any force, fear and coercion.
6. Taking into account, the totality of facts and circumstances, FIR no.260/2017 dated 24.05.2017 registered under Section 420/468/471/120B/34 at PS Saket and all the proceedings emanating therefrom are quashed.
7. The present petition along with pending application stands disposed of

DINESH KUMAR SHARMA, J

APRIL 25, 2023/rb