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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of Decision: 22nd September 2023*+ **CRL.M.C. 4295/2022****AKASH BHARGAV & ORS.**

..... Petitioners

Through: Mr. Kapil Kumar and Mr. Sahil
Sejwal, Advocates.

versus

THE STATE OF NCT OF DELHI, THROUGH APP & ANR.

..... Respondents

Through: Mr. Amit Sahni, APP for State with
SI Sanjeet Kumar, PS Mandawali.
Mr. Vikrant Yadav, Advocate for R-2.**CORAM:****HON'BLE MS. JUSTICE JYOTI SINGH****JUDGEMENT****JYOTI SINGH, J. (ORAL)**

1. This petition has been filed under Section 482 Cr.P.C. seeking quashing of case FIR No.296/2022 dated 25.03.2022 under Sections 420/34 IPC, registered at P.S. Mandawali Fazalpur, New Delhi.
2. Genesis of the FIR lodged by Respondent No. 2/Complainant is a dispute that arose between the parties on account of some money advanced by Respondent No. 2 to the Petitioners for performing a Pooja. Parties state that they have amicably resolved and settled their *inter se* disputes and a Memorandum of Understanding dated 24.06.2022 has been executed incorporating the terms of settlement. The Memorandum is on record, wherein it is recorded that matter has been settled for a total sum of Rs.6,75,000/- as full and final settlement and the amount shall be paid to Respondent No. 2 by the Petitioners in two installments. First installment for



a sum of Rs.3,00,000/- has already been paid and the second installment of Rs.3,75,000/- shall be paid at the time of quashing of the FIR. Petition is supported by affidavits of the Petitioners and Respondent No. 2 along with their identity proofs.

3. Contesting parties are present and have been identified through their respective counsels and Investigating Officer SI Sanjeet Kumar, P.S. Mandawali Fazalpur, Delhi. Counsel for the Petitioners submits that the balance amount of Rs.3,75,000/- has been paid to Respondent No. 2, who acknowledges the receipt of the amount in full and final settlement of all her claims.

4. In view of the settlement between the parties, Respondent No. 2 as well as the learned APP have no objection to the FIR being quashed.

5. In the circumstances and in accordance with the law laid by the Supreme Court in *Gian Singh v. State of Punjab and Another*, (2012) 10 SCC 303 and *Narinder Singh and Others v. State of Punjab and Another*, (2014) 6 SCC 466, this Court sees no impediment in quashing the FIR and proceedings emanating therefrom. Continuing the subject FIR and resultant proceedings would be an exercise in futility and would not be conducive to peace and harmony between the parties. In *Narinder Singh (supra)*, the Supreme Court elucidating on the guidelines that would govern the exercise of inherent power under Section 482 Cr.P.C. held that High Court has an inherent power to quash criminal proceedings even in cases which are not compoundable where parties have settled the matter between themselves *albeit* the power must be exercised with caution. The Supreme Court observed that the guiding factor in such cases would be to secure: (i) ends of justice or (ii) to prevent abuse of the process of any Court and while



exercising the power the High Court is to form an opinion on either of the two objectives. It was further held that those criminal cases which are overwhelmingly of a civil character such as family disputes, matrimonial relationships or arising out of commercial transactions etc. should be quashed if parties resolve their disputes amicably. The Court while exercising the power is to examine as to whether the possibility of conviction is remote and bleak and continuation of the criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused by not quashing the criminal case.

6. In light of the legal position settled by the Supreme Court and the fact that the offence is compoundable, this Court is of the view that once the matter has been settled between the parties and the amounts due to Respondent No. 2 have been duly paid to her, continuation of the proceeding will amount to oppression and injustice on the Petitioners and with the chances of evidence coming in being extremely remote and bleak, no purpose will be achieved in continuing the proceedings.

7. Accordingly, FIR No.296/2022 dated 25.03.2022 under Sections 420/34 IPC, registered at P.S. Mandawali Fazalpur, New Delhi is quashed. All proceedings arising therefrom stand closed.

8. Petition stands disposed of.

JYOTI SINGH, J

SEPTEMBER 22, 2023/ck/shivam