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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 242/2023

BALWAN SINGH & ORS.

..... Petitioners

Through: Mr. Vineet Dhanda, Advocate with
petitioners through VC.

versus

GOVERNMENT OF NCT OF DELHI & ORS..... Respondents

Through: Mr. Laksh Khanna, APP for State
with SI Gagandeep Dangi, PS
Prashant Vihar, Delhi.

Respondent No.4 through VC.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

09.02.2024

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1. The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 226/2021 registered under Section 420/34 IPC at Police Station Prashant Vihar, Delhi on the ground that the parties have amicably settled their disputes.
2. The present FIR has been lodged at the instance of the complainant/respondent No. 4 alleging that the petitioners cheated him in the name of transfer of certain property.
3. Learned APP for the State, on instructions, submits that the petitioners are the only accused persons and respondent No. 4 is the only complainant/victim.
4. Learned counsel for the petitioners submits that the parties have entered into a Settlement Agreement dated 12.05.2023. In terms of the



settlement, respondent No.4 is now left with no claim whatsoever against the present petitioners.

5. Petitioners, who have joined the proceedings through VC, have been identified by their counsel as well as Investigating Officer/ SI Gagandeep Dangi, PS Prashant Vihar, Delhi. Respondent No. 4, who has joined the proceedings through VC is also identified by the Investigating Officer.

6. Respondent No. 4 states that he has entered into the aforesaid settlement out of his own free will, volition and without any coercion. He further states that he has no objection if the present FIR and consequent proceedings are quashed.

7. Learned counsel for the petitioners submits that no other proceedings are pending between the parties.

8. The parties shall remain bound by the statements made in Court today.

9. In Parbatbhai Aahir and Others v. State of Gujarat and Another 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:

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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... ”

10. Similarly, in State of Madhya Pradesh v. Laxmi Narayan and Others reported as **(2019) 5 SCC 403**, 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;”

11. In view of the above facts and since no useful purpose will be served in continuance of the proceedings, it is directed that the aforesaid FIR is hereby quashed, subject to payment of cost of Rs.25,000/- by the petitioners, with the Delhi State Legal Services Authority within a period of two weeks from today. The amount so deposited shall be utilized by the Delhi State Legal Services Authority for providing counselling/psychological support to POCSO victims requiring such assistance.

12. Proof evidencing receipt of deposit shall be filed with the Investigating Officer as well as in Court.



13. With the above directions, the petition is disposed of.
14. In case proof of deposit is not placed on record within two weeks, the matter be placed before the Court.

FEBRUARY 9, 2024/rd

MANOJ KUMAR OHRI, J