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

+ **CRL.M.C. 383/2024**

DINESH KUMAR & ORS.

..... Petitioners

Through: Mr Sanjay Rana, Advocate along with
petitioners in person.

versus

THE STATE NCT OF DELHI AND ANR.

..... Respondents

Through: Mr Amit Ahlawat, APP for the State
with SI Mahendra Koli, PS Bhalswa
Dairy.
Mr Manoj Kumar and Ms Aakriti
Garg, Advocates for R-2 along with
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

% **18.01.2024**

CRL.M.A. 1509/2024

1. Allowed, subject to all just exceptions.

CRL.M.C. 383/2024

2. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.0865/2023 under Sections 420/120B/34 IPC registered at Police Station Bhalswa Dairy and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.

3. Issue notice. The learned APP for the State accepts notice. He submits that since the parties have arrived at a settlement, the State has no objection



in case the FIR in question is quashed.

4. The petitioners, as well as, respondent no. 2 are present in the Court and they have been identified by their respective counsel and by the Investigating Officer SI Mahendra Koli, PS Bhalswa Dairy.

5. The brief facts of the case are that the petitioner no.3 was the owner of the property bearing khasra no.105, measuring 80 sq. Yards, D-Block, Mukundpur Extension, Part-I, Delhi-110042. She sold the said property to one Ajay Chauhan, who in turn sold the same to the respondent no.2/Bilkesh Kumar. However, subsequently it transpired that the petitioner no.3 has also sold the said property to petitioner no.1, i.e., Dinesh Kumar on the basis of a GPA and handed over the possession to the petitioner no.1. This led to the registration of the aforesaid FIR on the basis of a complaint made by the respondent no.2.

6. The aforesaid property dispute also led to the filing of civil suits by the petitioner no.1, as well as, the respondent no.2.

7. During the pendency of the proceedings, the parties were referred to the Delhi Mediation Centre, District Courts, Rohini, Delhi, where they arrived at a settlement, terms whereof were reduced in writing in the form of Settlement dated 22.12.2023, which is annexed as Annexure P-2 to the present petition.

8. In terms of the said settlement, the parties agreed that the property shall be retained by the petitioner no.1 and he shall compensate the respondent no.2 by paying full and final settlement amount of Rs.5,50,000/-. The said amount has been paid in Court today by the petitioner no.1 to the respondent no.2 by way of Manager's Cheque bearing no.048472 dated 10.01.2024 issued by HDFC Bank, Gujranwala Town, New Delhi-110009.



9. Further, the complete chain of the title documents pertaining to the aforesaid property has also been handed over by the respondent no.2 to the petitioner no.1.

10. The receipt of entire amount of Rs.5,50,000/- is acknowledged by the respondent no.2, who is present in court.

11. The respondent no.2, on a query put by the Court, states that he has no objection in case the FIR is quashed.

12. At this stage, apt would it be to refer to the observations of the Supreme Court in **Gian Singh v. State of Punjab, (2012) 10 SCC 303: (SCC p. 340, para 58)**

“58. Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor.”

13. In **Parbatbhai Aahir vs. State of Gujarat (2017) 9 SCC 641**, the Supreme Court laid down as under:-

“...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 insofar 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”...

14. The FIR is an outcome of a property dispute with an essentially civil flavour.
15. Further, in view of the settlement between the parties, the ultimate chances of conviction in the case are also bleak, therefore, continuation of criminal proceedings will be an exercise in futility.
16. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.
17. Consequently, the petition is allowed and FIR No.0865/2023 under Sections 420/120B/34 IPC registered at Police Station Bhalswa Dairy alongwith all other proceedings emanating therefrom, is quashed.
18. The petition stands disposed of in the above terms.
19. Order be uploaded on the website of this court.

VIKAS MAHAJAN, J

JANUARY 18, 2024
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