



\$~21

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 385/2023**

SHIVA GUPTA

..... Petitioner

Through: Mr. Yogesh Kumar, Advocate with
petitioner in person.

versus

STATE AND ANR

..... Respondents

Through: Mr. Laksh Khanna, APP for State
with SI Harish, P.S. Keshav Puram.
Ms. Sharanjit Kaur, Ms. Narendra
Kaur Maggo, Ms. Parminder Kaur
and Ms. Amrit Kaur, LR's of
respondent No.2 in person through
V.C.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

14.02.2024

%

CRL.M.A. 4760/2024

1. By way of present application, the petitioner seeks to implead legal heirs of respondent No.2, *Jaswant Singh*, who has since expired.
2. For the reasons explained in the application, the same is allowed and legal heirs of respondent No.2 namely, *Sharanjit Kaur, Narendra Kaur Maggo, Parminder Kaur, Amrit Kaur* are brought on record. Amended memo of parties filed alongwith the application is taken on record.
3. Application is disposed of.

CRL.M.C. 385/2023

1. The present proceedings are instituted under Section 482 Cr.P.C. on



behalf of the petitioner seeking quashing of FIR No. 153/2019 registered under Sections 420/467/468/471/120-B/34 IPC at P.S. Keshav Puram, Delhi on the ground that the parties have amicably settled their disputes.

2. The allegations in the present FIR pertain to the offence of cheating on the pretext of purchasing insurance.

3. Mr. Khanna, learned APP for the State, on instructions, submits that the petitioner is the only accused person and respondent Nos. 3 to 6 are the legal heirs of respondent No.2, who has since expired.

4. Learned counsel for the petitioner submits that the petitioner and respondent No. 2 have amicably settled their disputes vide Settlement/Agreement dated 30.09.2019, a copy of which has been placed on record. In terms of the said settlement, complainant is now left with no claim or grievance against the petitioner.

5. Petitioner, who is present in Court, has been identified by his counsel as well as the I.O./SI Harish, P.S. Keshav Puram. Petitioner has shown remorse for his conduct and undertakes not to repeat the same in future.

6. Aforementioned legal heirs i.e. respondent Nos. 3 to 6 of respondent No.2 have joined the proceedings through V.C. and they have been identified by the I.O. They submit that their father i.e. respondent No.2 had received the entire settled amount of Rs.12 lacs from the petitioner during his lifetime. They further submit that they have no objection to the quashing of present FIR. In this context, the affidavits of all the legal heirs have also been placed on record.

7. It is informed that another FIR No. 153/2019 registered under Sections 420/467/468/471/120B/34 at P.S. Keshav Puram on the complaint of respondent No.2 and one Lakhvinder Singh has also been quashed by this



Court vide today's order passed in CRL.M.C. 4121/2023.

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:

xxx

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 considering that no useful purpose will be served in continuance of the proceedings, it is directed that the aforesaid FIR and the consequent proceedings arising therefrom are hereby quashed, subject to cost of Rs.5,000/- to be deposited with the *Delhi State Legal Services Authority* within a period of two weeks from today. The amount so deposited shall be utilized by the DSLSA for providing counselling/psychological support to POCSO victims requiring such assistance.
12. Proof evidencing receipt of deposit shall be filed with the I.O. as well as in Court.
13. In case the receipt of deposit of cost is not filed within two weeks, the matter be placed before the Court.
14. A copy of this order be communicated to the Member Secretary, DSLSA for intimation.
15. With the above directions, the petition is disposed of.

MANOJ KUMAR OHRI, J

FEBRUARY 14, 2024

ga