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

+ CRL.M.C. 762/2023

KULDEEP PRAKESH HANDA

..... Petitioner

Through: Mr. Vivek Aggarwal, Ms. Reema Singh, Mr. Vivek Gupta, Mr. Anuj Aggarwal, Advocates.

versus

THE STATE (GOVT. OF NCT OF DELHI) &
ANR.

..... Respondents

Through: Mr. Laksh Khanna, APP for State with Inspector Anand Pratap PS EOW, Delhi.

AND

CRL.M.C. 1549/2023

ANKIT HANDA

..... Petitioner

Through: Mr. Vivek Aggarwal, Advocate
versus

STATE NCT OF DELHI AND ORS

..... Respondents

Through: Mr. Laksh Khanna, APP for State with Inspector Anand Pratap PS EOW, Delhi.

AND

CRL.M.C. 8990/2023

SEEMA HANDA

..... Petitioner

Through: Mr. Vivek Aggarwal, Advocate

versus

STATE (NCT OF DELHI) & ANR.

..... Respondents

Through: Mr. Laksh Khanna, APP for State with Inspector Anand Pratap PS EOW, Delhi.

AND

CRL.M.C. 9011/2023

SH. NITESH ARORA

..... Petitioner

Through: Mr. Vivek Aggarwal, Advocate



versus
STATE (NCT OF DELHI) & ANR. Respondents
Through: Mr. Laksh Khanna, APP for State
with Inspector Anand Pratap PS
EOW, Delhi.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

05.04.2024

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1. By way of above noted petitions, the petitioner, seeks quashing of FIR No. 176/2008 registered under Sections 420/120B IPC and Sections 4/5/6 of the Price Chit Money Circulation Scheme Banning Act at P.S. EOW, New Delhi.
2. Mr. Aggarwal, learned counsel for the petitioner states that in the present case, about 250 victims/complainants have come forward and petitioners have settled with all of them. It is further submitted that in terms of the orders passed by this Court, a publication was carried out on 15.03.2024 in English and Hindi newspapers by the I.O., however no other victim/complainant has approached the I.O. till date. Learned counsel also states that initially vide orders passed by this Court in bail applications, the petitioners had deposited a sum of Rs.87 lacs with the Trial Court so that claims of the complainants could be satisfied. It is further submitted that from time to time, amounts have been disbursed from the aforesaid sum of Rs.87 lacs to the complainants and presently, about Rs.71 lacs is still lying with the Trial Court.
3. Learned counsel, on instructions, submits that the petitioner undertakes that in case any other victim/complainant approaches, the petitioner would be settling the dispute with them as well and in this regard



the petitioner volunteers that the amount, which is still lying with the Trial Court, be kept deposited for a period of one year.

4. Mr. Khanna, learned APP for the State, on instructions, states that in terms of the directions passed by this Court on 23.02.2024, a publication was carried out in the newspaper '*Pioneer*' in Hindi as well as English editions on 15.03.2024. He has also referred to the order dated 03.04.2024 passed by learned CMM to submit that on that day claims of complainants/ Siddharth Kumar, Sangeeta Devi, Roshal Lal and Mr. Bharpai were also settled. It is submitted that though amount with respect to complainant Sagarika Mandal could not be disbursed as she was not interested in the amount however at the same time, she was also not interested in pursuing the case.

5. Petitioners, who are present in Court, have been identified by their counsel as well as the I.O./ Inspector Anand Pratap PS EOW, Delhi.

6. Petitioners have shown remorse for their conduct and undertake not to repeat the same in future.

7. The petitioners shall remain bound by the statements made in Court today.

8. In ParbatbhaiAahir 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 summarized 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... ”

9. 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;”

10. Let the amount of Rs.71,17,897/- shall be deposited with the Registrar General of this Court in an auto renewal FDR initially for a period of one year.

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 payment of cost of Rs.10 lacs to be deposited by the petitioners



with the Delhi State Legal Services Authority(Account No.18580110053263, UCO Bank, Branch Rouse Avenue, IFSC: UCBA0003364) 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 I.O. as well as in Court.

13. A copy of this order be communicated to the Member Secretary, Delhi State Legal Services Authority for intimation.

14. With the above directions, the petition is disposed of alongwith miscellaneous application.

15. In case receipt of cost is not filed within two weeks, the matter be placed before the Court.

16. With the above directions, the petitions are disposed of.

MANOJ KUMAR OHRI, J

APRIL 5, 2024/ga/rd