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

+ **CRL.M.C. 834/2023**

MANSOOR ALAM @ MANSUR ALAM Petitioner

Through: Mr.Akhilesh Kumar, Advocate with
petitioner in person
Mr.Sameer Chandra, Mr.S Parashar and Mr.Yash
Bharti, Advocates for co-accused alongwith co-
accused in person

versus

STATE (NCT OF DELHI) & ANR. Respondents

Through: Mr. Laksh Khanna, APP for State with
SI Chena Ram
Mr.Abhinav Garg, Advocates for respondent No.2
with respondent No.2 in person

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
23.02.2024

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1. The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.1089/2014 registered under Sections 420/467/468/471/34 IPC at P.S. Kanjhawala, Delhi on the ground that the parties have amicably settled their disputes.
2. As per the allegations levelled in the FIR, the petitioner and one *Ravinder Kumar Vashisht* cheated respondent No.2 of Rs.1 lacs in the name of transfer of certain property.
3. Learned APP for the State submits that in the present respondent No.2 is the only complainant/victim and apart from the present petitioner, there is



another accused namely *Ravinder Kumar Vashisht*.

4. Learned counsel for the petitioner submits that though in the order dated 07.02.2023, it was noted that a settlement has been arrived at and executed only with *Mansoor Alam* however, co-accused *Ravinder Kumar Vashist*, who is also present in the Court, states that he has also settled his dispute with respondent No.2.

5. Learned counsels for the parties submit that the parties have entered into a settlement vide Settlement/Compromise Deed dated 23.10.2019. Out of the settlement amount, the balance amount of Rs.50,000/- is being paid today by way of a demand draft bearing No.758192 dated 04.01.2024 drawn on Canara Bank, Janakpuri. In terms of the settlement, respondent No.2 is now left with no claim whatsoever against the petitioner and co-accused *Ravinder Kumar Vashist*.

6. The petitioner and co-accused *Ravinder Kumar Vashist* and respondent No.2, who are present in the Court, have been identified by their respective counsels and the Investigating Officer.

7. Respondent No.2 states that she has entered into the aforesaid Settlement /Compromise Deed out of her own free will, volition and without any coercion. She further submits that she is agreeable to quashing of the FIR qua petitioner as well as co-accused *Ravinder Kumar Vashist*. She further states that she has no objection if the present FIR and consequent proceedings are quashed.

8. Learned counsels for the parties submit that no other proceedings are pending between the parties.

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



10. 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...”

11. 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;”



12. In view of the above facts and since no useful purpose will be served in continuance of the present criminal proceedings, it is directed that the aforesaid FIR and the consequent proceedings arising therefrom are hereby quashed, subject to encashment of the aforesaid demand draft.

13. With the above directions, the petition is disposed of.

MANOJ KUMAR OHRI, J

FEBRUARY 23, 2024

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