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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 354/2024**

MRS MINAL SANJEEV DESAI & ANR. Petitioners
Through: Mr.Pawanjit S. Bindra, Sr. Advocate
with Mr.Lakshay D. and Mr.Sahil Dutta,
Advocates with petitioners in person

versus

STATE GOVT OF NCT OF DELHI AND ORS. Respondents
Through: Mr.Amol Sinha, ASC with Insp.Naveen
Dahiya
Mr.Rahul Malhotra, Sr. Advocate with
Ms.Shruti and Mr.K. Punj, Advocates for
respondent Nos.2 to 4

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
02.02.2024

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CRL.M.A. 3323/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

W.P.(CRL) 354/2024

1. The present petition has been filed under Articles 226/227 of the Constitution of India read with Section 482 Cr.P.C. seeking quashing of FIR No.17/2021 registered under Sections 420/406/120B IPC at P.S. Economic Offences Wing, Delhi on the ground that the parties have amicably settled their disputes.



2. The allegations in the present FIR are in the nature of cheating, criminal misappropriation, criminal breach of trust, criminal conspiracy with respect to a property.

3. Learned APP for the State submits that the petitioners are the only accused persons and respondent Nos.2 to 4 are the only complainants/victims. It is stated that respondent No.3/*Mr. Deepak Bhandari*, who is also the Director of respondent No.2, represents respondent No.2.

4. Learned counsel for the petitioners submits that the parties have entered into a settlement vide Settlement Agreement dated 19.12.2023. In terms of the settlement, respondent No.2 to 4 are now left with no claim whatsoever against the present petitioners.

5. The petitioners and respondent Nos.3 and 4, who are present in the Court, have been identified by their counsel as well as by the Investigating Officer.

6. Learned Senior Counsel for the petitioners submits that as condition of bail, amount of Rs.2.04 crores was deposited in the Court of learned CMM, South East and as per the settlement out of aforesaid amount, a sum of Rs.1.25 crore is to be released to respondent No.4/*Mr. Pramod Gupta* and Rs.60 lacs to respondent No.2 and the remaining balance alongwith the interest accrued thereupon is to come back to the petitioners. The parties shall carry out their respective obligations under the Settlement Agreement.

6. Respondent No.3 and 4 states that they have entered into the aforesaid settlement out of their own free will, volition and without any coercion. They further state that they have 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 present criminal proceedings, it is directed that the aforesaid FIR and the consequent proceedings arising therefrom are hereby quashed, subject to payment of costs of Rs.1,00,000/- by the petitioners collectively to be deposited with the Delhi State Legal Services Authority within a period of four 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 receipts 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. Let a copy of this order be communicated to the Member Secretary, Delhi State Legal Services Authority for information.
15. The Registry shall list the matter before this Court in case receipt of costs to be paid by the petitioners is not filed within the stipulated time period.

MANOJ KUMAR OHRI, J

FEBRUARY 2, 2024

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