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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 1423/2023

GURMEET SINGH & ANR.

..... Petitioners

Through: Mr.Anurag Jain and Ms.Divya Maghan,
Advocates with petitioners in person

versus

STATE & ANR.

..... Respondents

Through: Mr. Aashneet Singh, APP for State with
SI Prithvi Solanki
Respondent No.2 in person

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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15.05.2024

1. The present petition has been filed under Section 482 Cr.P.C. seeking partial quashing of FIR No.995/2014 registered under Sections 420/468/471 IPC at P.S. Patel Nagar on the ground that the parties have amicably settled their disputes.
2. As per the allegations levelled in the FIR, the petitioners along with few others forged certain documents and cheated respondent No.2 in the context of a property.
3. Learned APP for the State submits that in the present case, apart from the petitioners, there are other accused persons, whereas respondent No.2 is the only complainant/victim. It is stated that petitioner No.1 and respondent No.2 are the real brothers whereas petitioner No.2 is the wife of petitioner No.1. It is further stated that chargesheet has been filed in the present case under the aforesaid sections.



4. Learned counsel for the petitioner submits that the parties have reached at an amicable settlement vide Memorandum of Settlement dated 11.10.2022. In terms of the settlement, respondent No. 2 is now left with no claim or grievance whatsoever against the petitioners.

5. The petitioners, who are present in the Court, have been identified by their counsel and the Investigating Officer. Respondent No.2, who is also present in the Court, has been identified by the Investigating Officer.

6. Respondent No.2 states that he has entered into the aforesaid Memorandum of Settlement out of his own free will, volition and without any coercion. He further states that he has no objection if the present FIR and consequent proceedings are quashed qua the present petitioners.

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 against the present petitioners only. It is further clarified that the trial shall continue against the remaining accused persons.

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

MANOJ KUMAR OHRI, J

MAY 15, 2024

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