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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1275/2024, CRL.M.A. 5018/2024**

VIPIN PANT

..... Petitioner

Through: Mr. Nachiketa Suri and Mr. Santanu Patra, Advocates for petitioner with petitioner in person.

Versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Aashneet Singh, APP for State with SI Yadhveer, P.S. Hauz Khas. Ms. Rishika Katyal, Advocate for respondent No.2 alongwith Mr. Shiv Kumar A.R. of respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

16.02.2024

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1. By way of present petition filed under Section 482 Cr.P.C., the petitioner seeks quashing of FIR No. 319/2018 registered under Sections 420/468/471/477A/408 IPC at P.S. Hauz Khas.
2. The allegations in the present FIR pertain to the offence of cheating and fraud and misappropriation of funds.
3. Mr. Singh, learned APP for the State, on instructions, submits that the petitioner is the only accused and respondent No.2 is the complainant/victim in the present case.
4. Learned counsel for the petitioner submits that petitioner and



respondent No. 2 have amicably settled their disputes vide Settlement Agreement dated 17.03.2021, a copy of which has been placed on record. In terms of the said settlement, respondent No.2 is now left with no claim or grievance against the petitioner.

5. Petitioner and Mr. Shiv Kumar, A.R. of respondent No.2, who are present in Court, have been identified by their respective counsel as well as the I.O./ SI Yadhveer, P.S. Hauz Khas

6. Mr. Shiv Kumar, A.R. of respondent No. 2 also confirms the settlement having been arrived at between the petitioner and respondent No.2. He further states that respondent No.2 has no objection if the present FIR and consequent proceedings are quashed.

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

8. 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...”

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. 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.10,000/- 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 DSLSA for providing counselling/psychological support to POCSO victims requiring such assistance.

11. Proof evidencing receipt of deposit shall be filed with the I.O. as well as in Court.

12. In case the receipt of deposit of cost is not filed within four weeks, the matter be placed before the Court.



13. With the above directions, the petition is disposed of alongwith miscellaneous applications.

MANOJ KUMAR OHRI, J

FEBRUARY 16, 2024

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