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

+ **W.P.(CRL) 624/2023**

NITIN KUMAR

.....Petitioner

Through: **Mr. Muhammad Arif, Advocate with
petitioner in person.**

versus

STATE OF NCT OF DELHI & ANR

.....Respondents

Through: **Mr. Sanjay Lao, Standing Counsel
(Crl.) for the State with SI Anugraha
PS Welcome, Delhi.**

**Mr. Jaan Mohammad and Mr.
Hemant Kumar, Advocates for
respondent no.2.**

ORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

01.10.2024

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1. The present proceedings are instituted on behalf of the petitioner seeking quashing of FIR No. 636/2022 registered under Section 420 IPC at Police Station Welcome, Delhi on the ground that the parties have amicably settled their disputes.
2. As per the allegations levelled in the FIR, the petitioner cheated and fraudulently withdrew money from the account of the respondent.
3. Mr. Sanjay Lao, learned Standing Counsel for the State, on instructions, submits that the petitioner is the only accused person and



respondent No.2 is the complainant/victim in the present case. Lastly, he states that the charge-sheet has not been filed in the present case.

4. Learned counsel for the petitioner submits that the present FIR has been registered due to misunderstanding. He further submits that parties have amicably settled their disputes vide Compromise/Settlement Deed dated 25.02.2023, a copy which has also been placed on record. In terms of the said settlement, complainant/respondent No.2 is now left with no claim or grievance against the petitioner.

5. Petitioner, who is present in Court, has been duly identified by his counsel as well as the I.O./ SI Anugraha PS Welcome, Delhi. The respondent No.2 had earlier appeared in the Court on 03.03.2023 and made a statement that he had settled the matter with the petitioner and has received the entire sum of Rs.47,220/-. His statement was also recorded to the effect that he had no objection to quashing of the present FIR against the petitioner.

6. Petitioner has shown remorse for his conduct and undertakes not to repeat the same in future.

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 the fact that the petitioner was an employee of State Bank of India (SBI), the SBI was directed to be impleaded as a party, learned Standing Counsel for the State submits that neither the bank had lodged any separate complaint nor any loss had been caused to the bank and the fact the respondent No.2 was a private individual and customer of the bank who was cheated and with whom the



petitioner has already settled the present matter, 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 qua the petitioner.

11. With the above directions the petition is disposed of.

MANOJ KUMAR OHRI, J

OCTOBER 1, 2024/*rd*