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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 736/2024**

PUNEET KUMAR & ORS.

..... Petitioners

Through: Mr. Kirti Uppal, Sr. Advocate with
Mr. Love Sharma and Mr. Shekhar
Kumar, Advocates with petitioners in
person.

versus

STATE GOVT. OF NCT DELHI & ANR.

..... Respondents

Through: Ms. Nandita Rao, ASC for State with
Insp. Surendra Sharma, P.S. DIU,
Insp. Lalit Kumar, P.S. Geeta Colony
and Insp. C.P. Singh, P.S. South
Avenue (IO).
Mr. D.S. Kohli, Mr. Yash Kadyan and
Mr. Prince Jain, Advocates for
respondent No.2 with respondent
No.2 in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

04.03.2024

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1. The present proceedings are instituted under Section 482 Cr.P.C. on behalf of the petitioners seeking quashing of FIR 0509/2022 registered under Sections 420/467/468/471/120B/34 IPC at P.S. Farsh Bazar, Delhi on the ground that the parties have amicably settled their disputes.
2. The allegations in the present FIR pertain to the offences of cheating and falsification of documents.
3. Ms. Rao, learned ASC for the State, on instructions, submits that the petitioners are the only accused persons and respondent No.2 is the



complainant in the present FIR.

4. Learned counsel for the petitioners submits that parties have settled their disputes vide Memorandum of Understanding dated 09.02.2024. It is submitted that petitioners undertake to abide by the terms of the settlement. The undertaking, given on behalf of the petitioners, are accepted and taken on record. It is further submitted that in terms of the said settlement, complainant/respondent No.2 is now left with no claim or grievance against the petitioners.

5. Petitioners and respondent No.2, who are present in Court, have been identified by their receptive counsel as well as IO/Insp. C.P. Singh, P.S. South Avenue and Insp. Lalit Kumar, P.S. Geeta Colony. Petitioners have shown remorse for their conduct and undertake not to repeat the same in future.

6. It is next submitted that a cross FIR No. 565/2021 registered under Sections 342/347/451/365/506/34/120B IPC on the complaint of petitioner No.1 against respondent No.2 at P.S. Geeta Colony has also been quashed by this Court vide today's order passed in CRL.M.C. 1803/2024.

7. Respondent No. 2 states that he has entered into the aforesaid MOU out of his own free will and without any undue force, pressure or coercion. He further states that he has no objection if the present FIR and the consequent proceedings are quashed.

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

11. 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 payment of composite cost of Rs.1,00,000/- to be deposited with the Delhi State Legal Services Authority within a period of one week 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 receipt of deposit shall be filed with the I.O. as well as in Court failing which, the Registry shall list the matter before the Court.

13. A copy of this order be communicated to the Member Secretary, DSLSA for intimation.

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

MANOJ KUMAR OHRI, J

MARCH 4, 2024

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