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

+ **CRL.M.C. 2102/2024 & CRL.M.A. 18206/2024**

**BUNCH MICROTECHNOLOGIES PRIVATE
LIMITED & ORS.**

..... Petitioners

Through: Mr Karan Mehta, Mr Ishan Khanna,
Mr Tejas Anand, Mr Kanishk and Mr
Pratiksha, Advocates along with
petitioners in person.

versus

STATE (GNCT OF DELHI) & ANR.

..... Respondents

Through: Mr Satinder Singh Bawa, APP for the
State with SI Arun Kumar, DIU/SD.
Mr Gauhar Mirza, Advocate for R-2
along with R-2 in person.

**CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN**

**ORDER
07.06.2024**

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1. The present petition has been filed under Sections 482 CrPC seeking quashing of FIR No.0175/2024 under Sections 406/420/467/468/120B IPC registered at Police Station Hauz Khas and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
2. Issue notice. The learned APP for the State accepts notice. He submits that since the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed. He further submits that some cost may be imposed on the petitioners as considerable time and effort has been spent on the investigation and judicial time has also been wasted.



3. The petitioners, as well as, respondent no. 2 are present in the Court and they have been identified by their respective counsel and by the Investigating Officer SI Arun Kumar, DIU/SD.

4. The brief facts of the case are that the dispute arose between the parties during the business agreement due to which the respondent no.2 proceeded to file a criminal complaint against the petitioners herein and other persons associated with the petitioner no.1 company, which culminated into aforesaid FIR.

5. During the pendency of the proceedings, the parties were referred to the Mediator appointed by this Court *vide* order dated 27.05.2024 in OMP.(I) (COMM.) 124/2024. In the mediation process, the parties had arrived at a settlement, terms whereof were reduced in writing in the form of Report dated 30.05.2024. The said mediation report was made part of order dated 31.05.2024 passed in the OMP.(I) (COMM.) 124/2024.

6. The terms which have been agreed between the parties are recorded in the aforesaid settlement. The parties, who are present in the Court, undertake to abide by the terms and conditions mentioned in the settlement. Their undertaking is taken on record.

7. The respondent no.2, on a query posed by the Court, states that he has no objection in case the FIR is quashed.

8. At this stage, apt would it be to refer to the observations of the Supreme Court in *Gian Singh v. State of Punjab*, (2012) 10 SCC 303: (SCC p. 340, para 58).

“58. Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion,



continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor.”

9. Likewise, in ***Parbatbhai Aahir vs. State of Gujarat (2017) 9 SCC 641***, the Supreme Court laid down as under:-

“...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 insofar 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. Keeping in view the above legal position and regard being had to the fact that the present FIR is an outcome of a business transaction and dispute has been settled amicably by the parties, it is a fit case where FIR should be quashed.

11. In view of the settlement between the parties, the ultimate chances of conviction in the case are bleak, therefore, continuation of criminal proceedings will not serve any useful purpose and it will be an exercise in



futility.

12. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.

13. In the present case, the State machinery has been put into motion and considerable time and resources of the investigating agency have been spent in the investigation of the matter, it is deemed appropriate to impose cost of Rs.25,000/- on the petitioners. Accordingly, the petitioners are directed to deposit cost of Rs.25,000/- within a period of two weeks from today with the Delhi State Legal Services Authority and the said amount should be utilized towards counselling / psychological support to be provided to POCSO victims requiring such assistance.

14. Consequently, the petition is allowed and the FIR No.0175/2024 under Sections 406/420/467/468/120B IPC registered at Police Station Hauz Khas alongwith all other proceedings emanating therefrom, is quashed subject to the petitioners depositing cost as stated aforesaid.

15. The petition stands disposed of in the above terms.

16. Order be uploaded on the website of this court.

VIKAS MAHAJAN
(VACATION JUDGE)

JUNE 7, 2024
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