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

+ **CRL.M.C. 2823/2023**

SH. BALWINDER SINGH & ORS.

..... Petitioners

Through: Mr.Rajnish Kumar, Mr.Hemant and
Mr.Himanshu, Advocates with petitioners in
person

versus

THE STATE THROUGH GOVT. OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Laksh Khanna, APP for State with
SI Manjeet Singh
Mr.Fanish K. Jain and Mr.Rohit, Advocates for
respondent No.2 with respondent No.2 in person

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

06.02.2024

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1. The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.504/2022 registered under Sections 420/468/471/34 IPC at P.S. Hari Nagar, Delhi on the ground that the parties have amicably settled their disputes.
2. The allegations in the present FIR are that the petitioners forged certain documents and resultantly cheated respondent No.2.
3. Learned APP for the State submits that the petitioners are the only accused persons and respondent No.2 is the only complainant/victim.
4. Learned counsels for the parties submit that as per the fresh MoU



Balwinder Singh, Gurmeet Singh and Sarabjit Singh i.e., petitioner Nos.1 to 3, each have paid a sum of Rs.2.5 lacs to respondent No.2 as well as three legal heirs by way of a demand draft, totalling to Rs.30 lacs. A copy of the same has been handed over in Court today. He further submits that the same will be filed during the course of the day. In terms of the settlement, respondent No.2 is now left with no claim whatsoever against the petitioners.

5. The petitioners and respondent No.2, who are present in the Court, have been identified by their respective counsels as well as by the Investigating Officer.

6. Respondent No.2 acknowledges the factum of MoU and states that she has entered into the aforesaid MoU out of her own free will, volition and without any coercion. She further states that she has no objection if the present FIR and consequent proceedings are quashed.

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.

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

MANOJ KUMAR OHRI, J

FEBRUARY 6, 2024/na