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

+ **CRL.M.C. 2937/2023**

MR ARUN RATHI & ORS.

..... Petitioners

Through: Mr.Subhash Chawla, Advocate with
petitioners in person

versus

STATE (GOVT. OF NCT OF DELHI) & ANR. Respondents

Through: Mr. Laksh Khanna, APP for State with
SI Opendar Singh
Mr. Manik Rai Bhalla, Advocate for respondent
No.2 with respondent No.2 through V.C.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
27.03.2024

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1. The present petition has been filed under Article 227 of the Constitution of India read with Section 482 Cr.P.C. seeking quashing of FIR No.149/2020 registered under Sections 420/34 IPC at P.S. Vasant Kunj (South), New Delhi on the ground that the parties have amicably settled their disputes.
2. As per the allegations levelled in the FIR, the petitioners committed cheating with respondent No.2 on the issuance of providing goods returns upon her investment.
3. Learned APP for the State submits that in the present case the petitioners are the only accused persons and respondent No.2 is the only complainant/victim.



4. Learned counsels for the parties submit that the parties have entered into a settlement on 28.08.2020 before the Delhi Mediation Centre, Patiala House Courts, New Delhi. In terms of the settlement, respondent No. 2 is now left with no claim whatsoever against the petitioners.

5. The petitioners, who are present in the Court and respondent No.2, who have joined the proceedings through V.C., have been identified by their respective counsels and the Investigating Officer.

6. Respondent No.2 states that she has entered into the aforesaid mediation settlement 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 counsels for the parties submit 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, subject to payment of cumulative cost of Rs.1,00,000/- by the petitioners 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 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 Investigating Officer as well as in Court.



13. With the above directions, the petition is disposed of.
14. The petitioners shall be at liberty to approach the Trial Court to take steps in terms of the settlement.
15. Let a copy of this order be communicated to the Member Secretary, Delhi State Legal Services Authority for information.
16. The Registry shall list the matter before this Court in case receipt of costs to be paid by the petitioners is not filed within the stipulated time period.

MANOJ KUMAR OHRI, J

MARCH 27, 2024

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