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

+ **W.P.(CRL) 1215/2023**

AMIT GUPTA & ANRPetitioners

Through: Mr. Shamin Ahmad Khan, Mr. Kashif
Ahmad Khan, Advocates with
petitioners in person.

versus

STATE NCT OF DELHI & ANRRespondents

Through: Mr. Sanjeev Bhandari, ASC (Crl.) for
the State with SI Vikram Paul PS
Paharganj, Delhi
Mr. Deepak Kaushik, Advocate for
respondent no.2 with Mr. Piyush
Gupta, representative of respondent
no.2 in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

28.10.2024

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1. The present proceedings are instituted on behalf of the petitioners seeking quashing of FIR No. 279/2019 registered under Sections 420 IPC at Police Station Paharganj, Delhi on the ground that the parties have amicably settled their disputes.
2. As per the allegations levelled in the FIR, the petitioners availed various car loans from the respondent No.2 bank and failed to repay the same.
3. Mr. Sanjeev Bhandari, learned ASC (Crl.) for the State, on instructions, submits that the petitioners are the only accused persons and respondent No.2 is the complainant/victim in the present case. Learned ASC (Crl.) further states that though the parties have compromised, some costs



may be imposed on the petitioners considering the serious nature of the averments/allegations and since the state machinery has already been put in motion.

4. Learned counsel for the petitioners submits that the present FIR has been registered due to a misunderstanding. He further submits that parties have amicably settled their disputes before the Delhi Mediation Centre, Tis Hazari Courts, Delhi on 07.06.2022, a copy whereof has been placed on record. 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 respective counsel as well as the I.O./ SI Vikram Paul P.S. Paharganj, Delhi.

6. Petitioners have shown remorse for their conduct and undertake not to repeat the same in future. The representative of respondent No. 2 states that respondent No.2 has settled the disputes with the petitioners out of its own free will, volition and without any coercion. He further states that they have no objection if the present FIR and consequent proceedings are quashed.

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

8. In ParbatbhaiAahir 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 above-cited legal position as well as the facts and circumstances of the case 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.5,000/- by the petitioners, with the Delhi State Legal Services Authority (A/c No. 18580110053263, UCO



Bank, Branch : Rouse Avenue, IFSC : UCBA0003364) within a period of four weeks from today. The amount so deposited shall be utilized by the DSLSA for providing counselling/psychological support to POCSO victims requiring such assistance.

11. Proof evidencing receipt of deposit shall be filed with the I.O.

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

13. Proof evidencing receipt of deposit shall be filed with the Investigating Officer.

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

15. In case proof of deposit of cost is not filed within four weeks, the I.O. shall be at liberty to move an appropriate application in this regard.

MANOJ KUMAR OHRI, J

OCTOBER 28, 2024/rd