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

+ **CRL.M.C. 3096/2023**

LOVE PAHWA AND ORS.

..... Petitioners

Through: Mr. Atul Sharma, Advocate with
petitioners in person.

versus

THE STATE AND ANR

..... Respondents

Through: Mr. Ashneet Singh, APP for State
with SI R.N. Ashang PS Cyber,
NWD.

Respondent No.2 through VC.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

06.03.2024

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1. The present proceedings are instituted under Section 482 Cr.P.C. seeking quashing of FIR No. 44/2022 registered under Section 420/34 IPC at Police Station Cyber Police Station, North West, Delhi on the ground that the parties have amicably settled their disputes.
2. The allegations in the present FIR relate to cheating committed by the petitioners in the name of selling a laptop.
3. Mr. Ashneet Singh, learned APP 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.
4. Learned counsel for the petitioners submits that the parties have amicably settled their disputes vide Memorandum of Understanding, a copy of which has been placed on record. In terms of the said settlement, respondent No.2 is now left with no claim or grievance against the petitioners.



5. Petitioners, who are present in Court, have been identified by their counsel as well as the I.O./ SI R.N. Ashang PS Cyber, NWD. Respondent No.2, who has joined the proceedings through VC has also been identified by the I.O.
6. Petitioners have shown remorse for their conduct and undertake not to repeat the same in future. Respondent No. 2 also states that he has settled the disputes with the petitioners out of his own free will, volition and without any coercion. He further states that he has 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 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. 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 cost of Rs.5,000/- to be deposited by each of the petitioners with the Delhi State Legal Services Authority within a period of two 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.

11. Proof evidencing receipt of deposit shall be filed with the I.O. as well as in Court.

12. A copy of this order be communicated to the Member Secretary, Delhi State Legal Services Authority for intimation.

13. With the above directions, the petition is disposed of alongwith



miscellaneous application.

14. In case proof of cost is not filed within two weeks, the matter be placed before the Court.

MANOJ KUMAR OHRI, J

MARCH 6, 2024/rd