



\$~32

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

+ **W.P.(CRL) 1284/2023**

ANIL KUMAR

.....Petitioner

Through: Mr. Mayank, Advocate with
petitioner in person.

versus

STATE (G)OVT OF NCT OF DELHI & ANRRespondents

Through: Ms. Rupali Bandhopadhyaya, ASC for
State with Mr. Abhijeet Kumar and
Mr. Shakti, Advocates with SI Naresh
Kumar PS Cyber East, Delhi.

Ms. Komal Shukla and Ms. Priya
Sahay, Advocates for respondent o.2
with respondent no.2 in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

22.11.2024

%

1. The present proceedings are instituted on behalf of the petitioner seeking quashing of FIR No. 0053/2022 registered under Sections 420/34 IPC at Police Station Cyber, East District, Delhi on the ground that the parties have amicably settled their disputes.

2. As per the allegations levelled in the FIR, respondent No.2 was duped of Rs.13,140/- on the pretext of providing him a job of Data Entry Operator.

3. Learned ASC (Crl.) for the State, on instructions, submits that respondent No.2 is the complainant/victim in the present case. It is also submitted that other than the petitioner, the petitioner's wife is also an accused in this case, however, she has not been made a party to the present petition.

4. Learned counsel for the petitioner submits that the present FIR has been registered due to a misunderstanding. He further submits that the



parties have amicably settled their disputes vide Settlement Deed dated 11.11.2022, a copy whereof has been placed on record. In terms of the said settlement, complainant is now left with no claims or grievances against the petitioner. He further states that though the instant petition has been preferred by the petitioner, the petitioner's wife has also been made an accused in the instant FIR. He, therefore, orally prays that she be impleaded as petitioner No.2 in the present petition. The prayer is allowed and it is directed that the amended memo of parties be filed within one week and be brought on record.

5. The petitioner, who is present in Court, as well as his wife, who has joined the proceedings through VC, have been identified by their counsel as well as the I.O./ SI Naresh Kumar PS Cyber East, Delhi. Respondent No.2 has also joined the proceedings through VC, and has been identified by the concerned I.O.

6. The petitioner and his wife 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 accused 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:

.xxx



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 the 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 filing of amended memo of parties within a week.



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

MANOJ KUMAR OHRI, J

NOVEMBER 22, 2024/rd