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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 3276/2023**

ASFAQ @ RAHUL AND OTHERS

..... Petitioners

Through: Mr. Mitthan Lal, Mr. Mohit and
Mohd. Sher Ahmad, Advocates with
petitioners in person.

versus

THE STATE AND ANOTHER

..... Respondents

Through: Mr. Aashmeet Singh, APP for State
with SI Amit, P.S. Nabi Karim.
Respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

08.04.2024

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1. The present proceedings are instituted under Section 482 Cr.P.C. on behalf of the petitioners seeking quashing of FIR No. 11/2012 registered under Sections 419/420/468/471/120B IPC at P.S. Nabi Karim, Delhi on the ground that the parties have amicably settled their disputes.
2. The allegations in the present FIR relate to fraud and forgery with respect to cheque transactions.
3. Mr. 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. He further submits that charge-sheet has already been filed in the present FIR.
4. Learned counsel for the petitioners submits that the petitioners and respondent No. 2 have amicably settled their disputes vide Memorandum of Understanding dated 12.01.2023, a copy of which has been placed on



record. In terms of the said settlement, complainant 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 Amit, P.S. Nabi Karim. Petitioners have shown remorse for their conduct and undertake not to repeat the same in future.

6. Respondent No. 2, who is present in Court and has been identified by the I.O., 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, (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.

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

MANOJ KUMAR OHRI, J

APRIL 8, 2024

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