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

+ **W.P.(CRL) 1050/2022, CRL.M.A. 8769/2022**

**AZAD HUSSAIN**

.....Petitioner

Through: Mr.D.Hasija, Adv. with petitioner in person.

versus

**STATE OF DELHI & ANR.**

.....Respondents

Through: Mr.Sanjay Lao, standing counsel for the State  
SI Sandeep Yadav, PS Sadar Bazar  
Mr.Mohd.Elahi, Adv. for complainants with all the complainants in person except Asma, Salim Qureshi and Mohd. Shakeel

**CORAM:**

**HON'BLE MR. JUSTICE DINESH KUMAR SHARMA**

**ORDER**

**16.12.2024**

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1. The present petition has been filed for quashing FIR no.0125 dated 03.07.2018 under Section 420/120B/34 IPC at PS Sadar Bazar and all the proceedings emanating therefrom.
2. Briefly stating, in the present FIR it was alleged therein that the petitioner accused cheated the complainant party and took money from them deceiving that they shall be given a plot in colony to be settled in Jaipur. However, later on neither the plot was given nor the money was returned. During the course of investigation while the petitioner was in custody, his son-in-law Mohd. Akram s/o Mohd. Khalid Hussain entered into a settlement deed with Mohd. Shahid, Tajuddin,



Aslam, Mohd. Sabir, Mohd. Naved, Mohd. Alam, Mohd. Suhail, Shahid, Mohd. Musrafeen and Mohd. Fihan and in terms of the settlement they were paid the money. However, later on during the course of the investigation, further complainants namely Shadakeen, Asma, Muqem, Salim Qureshi, Mohd. Irshad, Mohd. Imran, Noor Mohammad, Mohd. Shakeel, Gulzar, Sadaruddin, Mohd. Shahbaz and Farida also approached the police.

3. However, it is submitted that now the complainant has settled the matter with all the complainants vide settlement deed dated 30.05.2021 and has paid the money as mentioned in the status report filed by ACP Hira Lal PS Sadar Bazar and has paid the amount as follows:

| Sr. No. | Name of Complainants | Cheated amount |
|---------|----------------------|----------------|
| 1.      | Sadakeen             | 33,000/-       |
| 2.      | Asma                 | 2,71,000/-     |
| 3.      | Muqem                | 2,01,000/-     |
| 4.      | Salim Qureshi        | 40,000/-       |
| 5.      | Mohd Irshad          | 1,66,000/-     |
| 6.      | Mohd Imran           | 13,660/-       |
| 7.      | Noor Mohammad        | 15,000/-       |
| 8.      | Mohd Shakeel         | 1,15,000/-     |
| 9.      | Gulzar               | 1,50,000/-     |
| 10.     | Sadrudin             | 85,000/-       |
| 11.     | Mohd Shahbez         | 45,000/-       |
| 12.     | Farida               | 1,33,000/-     |

4. Mr. Mohd. Elahi appears and submits that he represents all the complainant parties and the money as mentioned in the status report has duly been paid. Today the complainants Muqem, Mohd. Imran, Mohd. Irshad, Noor Mohammad, Sadrudin, Gulzar, Mohd. Shahbez and Farida are present and they have been the demand drafts as



mentioned above. The demand drafts on behalf of Asma, Salim Qureshi and Mohd. Shakeel has been accepted by Mr. Mohd. Elahi, Advocate.

5. Statement of Mr. Mohd. Elahi, Advocate has been recorded separately that the complainants at their own Will have settled the matter with the petitioner and have received the amount as mentioned in the settlement deed dated 30.05.2021.
6. The Apex Court in **Narinder Singh v. State of Punjab** (2014) 6 SCC, has recognized the need for amicable resolution of disputes and inter-alia held as under:

*“In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings: 29.1 Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution. 29.2. When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:*

*(i) ends of justice, or*

*(ii) to prevent abuse of the process of any court. While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives. 29.3. Such a power*



*is not to be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Similarly, for the offences alleged to have been committed under special statute like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender.*

*29.4. On the other hand, those criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.”*

7. Since the dispute is predominantly private in nature and the parties have settled all the disputes amicably, in the interest of justice it would be better to put a quietus to the dispute. The chances of conviction would also be bleak and remote, given that the parties do not wish to pursue the present complaint on account of the settlement. I do not see any reason to reject the settlement.
8. Taking into account the totality of facts and circumstances, the case FIR no.0125 dated 03.07.2018 under Section 420/120B/34 IPC at PS Sadar Bazar and all proceedings emanating therefrom are quashed.
9. The present petitions stand disposed of.

**DINESH KUMAR SHARMA, J**

**DECEMBER 16, 2024/ Rb/ht**