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

+ CRL.M.C. 3466/2023 & CrI. M.A. 13032/2023

SARANALA SREEDHAR @

SARNALA SHREEDHAR & ORS.

..... Petitioners

Through: Mr. Mukesh Gupta, Mr. Shashi Gupta, Mr. Abhishek Shardha and Mr. Arnav Gupta, Advocates with petitioner in person

versus

STATE OF NCT OF DELHI & ANR

..... Respondents

Through: Mr. Sanjeev Sabharwal, APP for State with Inspector N.K. Singh PS EOW. Mr. Shreyan Das, Advocate for respondent No.2.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

11.03.2024

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1. The present proceedings are instituted under Section 482 Cr.P.C. seeking quashing of FIR No. 49/2022 registered under Sections 406/419/420/120B IPC at Police Station EOW, Delhi on the ground that the parties have amicably settled their disputes.
2. The allegations in the present FIR relate to conspiracy committed by the petitioners to cheat respondent No.2.
3. Mr. Sanjeev Sabharwal, learned APP for the State, on instructions, submits that the petitioners are the only accused persons and respondent No.2 is the only complainant/victim in the present case.
4. Learned counsel for the petitioners submits that the parties have amicably settled their disputes vide Settlement Agreement dated 13.03.2023.



In terms of the said settlement, complainant is now left with no claim or grievance against the petitioners.

5. Learned counsel for the respondent No.2 states that the respondent No.2 has expired on 26.10.2023. The factum of death of Respondent No.2 has been verified by the I.O.

6. Petitioners, who are present in Court, have been identified by their counsel as well as the I.O./ Inspector N.K. Singh PS EOW.

7. Petitioners have shown remorse for the act and undertake that the same would not be repeated in future. A no-objection affidavit of respondent no.2/complainant has been placed on record, which records that the complainant had stated that he had no objection if the present FIR and consequent proceedings are quashed.

8. The petitioners shall remain bound by the statements made in Court today.

9. 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... ”

10. 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;”

11. 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 cumulative cost of Rs.5 lacs to be deposited by 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.

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



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

14. With the above directions, the petition is disposed of alongwith miscellaneous application.

15. The Registry shall list the matter before this Court in case receipt of costs to be paid by the petitioners is not filed within the stipulated time period.

MANOJ KUMAR OHRI, J

MARCH 11, 2024/*rd*