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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 3645/2023**

**MOHD TANJEEL REJA ALIAS TANZIM AND
ORS.**

..... Petitioners

Through: Mr. Shiv Kumar Gautam, Advocate
with petitioners in person.

versus

**STATE OF GOVT. OF NCT OF DELHI AND
ANR.**

..... Respondents

Through: Mr. Sanjeev Sabharwal, APP for State
with SI Mohit, P.S. Cyber Cell.
Respondent No.2 in person.

**CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI**

**ORDER
25.01.2024**

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1. The present proceedings are instituted under Section 482 Cr.P.C. seeking quashing of FIR No.3/2022 registered under Section 420 IPC at Police Station Cyber Cell, North East, Delhi on the ground that the parties have amicably settled their disputes.
2. As per the allegations levelled in the FIR, respondent No.2 having two credit cards i.e. SBI Credit card and IndusInd Credit Card, alleged that an online fraud has been committed by the petitioners whereby a total amount of Rs.1,85,108/- has been deducted from the said credit cards.
3. Mr. 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 Deed dated 20.02.2023. As per the terms of the settlement, it was agreed that a sum of Rs.2,50,000/- as full and final settlement shall be paid by the petitioners to respondent No.2. It is further submitted that out of the aforesaid settled amount, an amount of Rs.1,50,000/- has already been paid and the remaining amount of Rs.1,00,000/- is being paid today vide two demand drafts, photocopy of which have been placed on record. Respondent No.2 is now left with no claim or grievance against the petitioners.

5. The petitioners, who are present in Court, have been identified by their counsel as well as the I.O./SI Mohit, P.S. Cyber Cell. Respondent No.2, who is also present in Court, is 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 states that he has entered into the aforementioned settlement out of his own free will, volition and without any coercion. He also acknowledges receipt of entire settled amount and states that he has no objection if the present FIR and consequent proceedings are quashed.

7. Learned counsel for the petitioners submits that no other proceedings are pending between the parties.

8 The parties 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 since 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.10,000/- by each of the petitioners to be paid to Delhi



State Legal Services Authority within a period of four 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 Investigating Officer 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.

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

JANUARY 25, 2024

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