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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 18.03.2024

+ CRL.M.C. 1555/2021, CRL.M.A. Nos.10869/2021, 26730/2022 & 8584/2024

VISHAL SWARA & ANR.

..... Petitioners

Through: Mr.Sandeep Phogat and Mr.Ravi,
Advocates alongwith petitioners

versus

GOVT. OF NCT OF DELHI & ORS.

.... Respondents

Through: Mr.Ajay Vikram Singh, APP for State
with Insp. Ravinder, PS EOW.
Mr.Anupam Kishore Sinha,
Mr.Pradeep Kumar Tiwari,
Mr.Sahitya Srivastava and Mr.Apoorv
Jha, Advocates with Sh.Sanjay
Pandey, Managing Director, M/s SIS
Ltd. in person (through VC).

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

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J U D G M E N T

ANOOP KUMAR MENDIRATTA, J (ORAL)

1. Petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioners for quashing of FIR No. 62/2021, under Sections 406/420/120B IPC registered at P.S.: EOW and proceedings emanating therefrom.
2. The disputes between the parties have primarily arisen out of Share Purchase Agreement and has civil connotation.
3. Learned counsel for the petitioners submits that as observed in order dated 13.03.2024, the disputes between the parties have been settled between



the parties in terms of the Settlement Agreement dated 15.11.2022 except for non-payment of Rs.24,01,313/- received by the company from RSLDC which has arisen after execution of the Settlement Agreement. He further submits that FIR be quashed subject to prayers made in CRL.M.A. No.8584/2024 for reference of dispute regarding sum of Rs.24,01,313/- to arbitration.

4. Mr.Sanjay Pandey, Managing Director, M/s SIS Ltd., for respondent No.2 submits that he has no objection for quashing of the present FIR subject to reference of the dispute for arbitration regarding amount of Rs.24,01,313/-, as prayed on behalf of the petitioners and without prejudice to the stand of respondent No.2 that the aforesaid amount is not payable to the petitioners as per Settlement Agreement.

5. Learned APP for the State submits that in view of amicable settlement between the parties, the State has no objection in case the FIR in question is quashed.

6. Petitioners in the present case seek to invoke the powers under Section 482 of Code of Criminal Procedure. The same is to be used to secure the ends of justice or to prevent the abuse of process of any Court. In which cases, the power to quash the criminal proceedings or the complaint or FIR may be used when the offender as well as victim have settled their dispute, would depend upon the facts and circumstances of each case and no generalised list or categories can be prescribed. However, the Court is required to give due regard to the nature and gravity of the offence and consider the impact on the society.

7. The disputes between parties mainly relate to commercial civil dispute. In view of settlement between the parties, no purpose shall be served



by keeping the proceedings pending. Keeping in view the totality of the facts and circumstances of the case, this court is of the opinion that the continuity of proceedings would be an abuse of process of court. Consequently, FIR No. 62/2021, under Sections 406/420/120B IPC registered at P.S.: EOW and the proceedings emanating therefrom stand quashed.

Petition is accordingly disposed of. Pending applications, if any, also stand disposed of.

A copy of this order be forwarded to the learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J.

MARCH 18, 2024/v