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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 4121/2023**

VIJAY KUMAR P.DAMODAR REDDY ANR Petitioners
Through: Mr. Abhishek Kumar, Advocate with
petitioners in person.
versus

STATE & ANR Respondents
Through: Mr. Laksh Khanna, APP for State
with SI Harish, P.S. Keshav Puram.
Ms. Sharanjit Kaur, Ms. Narendra
Kaur Maggo, Ms. Parminder Kaur
and Ms. Amrit Kaur, LRs of
respondent No.2 in person through
V.C.
Respondent No. 3 in person.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
14.02.2024

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1. The present proceedings are instituted under Section 482 Cr.P.C. on behalf of the petitioner seeking quashing of FIR No. 153/2019 registered under Sections 420/467/468/471/120B/34 at P.S. Keshav Puram, Delhi on the ground that the parties have amicably settled their disputes.
2. The allegations in the present FIR pertain to the offence of cheating of funds on the pretext of purchasing insurance.
3. Mr. Khanna, learned APP for the State, on instructions, submits that the petitioner is the only accused person and respondent Nos. 2 and 3 are the complainants in the present FIR. He, on instructions, further submits that *Ms. Sharanjit Kaur, Ms. Narendra Kaur Maggo, Ms. Parminder Kaur* and



Ms. Amrit Kaur are the legal heirs of respondent No.2, who has since expired. Learned APP, on further instructions, submits that apart from the present petitioners, there are two other accused persons *Rahul Shahni @ Vithal Prakash Aiyar* and *Suresh @Pradeep Kumar* who have not been impleaded in the present petition.

4. Learned counsel for the petitioners submits that petitioners are not aware about the whereabouts of other accused persons and a settlement has been arrived at between the respondent No.2 and present petitioners only, vide Settlement/Agreement dated 28.09.2019. A copy of the settlement agreement has been placed on record. In terms of the said settlement, complainants are now left with no claim or grievance against the petitioners.

5. Petitioners, who are present in Court, has been identified by their counsel as well as the I.O./SI Harish, P.S. Keshav Puram. Petitioners have shown remorse for their conduct and undertake not to repeat the same in future.

6. Ms. Sharanjit Kaur, Ms. Narendra Kaur Maggo, Ms. Parminder Kaur and Ms. Amrit Kaur legal heirs of respondent No.2/*Jaswant Singh* have joined the proceedings through V.C and they have been identified by the I.O. They submit that their father i.e. respondent No.2 had received the entire settled amount during his lifetime. They further submit that they have no objection to the quashing of present FIR. Affidavits of all the legal heirs are also on record in this regard. Respondent No.3, who is present in Court and has been identified by the I.O., also confirms the settlement and receipt of entire settled amount. He further submits that he has no objection to the quashing of the FIR.

7. It is informed that another FIR No. 153/2019 registered under



Sections 420/467/468/471/120-B/34 IPC at P.S. Keshv Puram on the complaint of respondent No.2 has also been quashed by this Court vide today's order passed in CRL.M.C. 385/2023.

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 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 qua the present petitioners only, subject to cost of Rs.5,000/- to be deposited by each of 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 DSLSA for providing counselling/psychological support to POCSO victims requiring such assistance. Trial Court shall continue the proceedings against the remaining accused persons.

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

13. In case the receipt of deposit of cost is not filed within two weeks, the matter be placed before the Court.

14. A copy of this order be communicated to the Member Secretary, DSLSA for intimation.

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

MANOJ KUMAR OHRI, J

FEBRUARY 14, 2024/ga