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

+ **CRL.M.C. 4157/2023**

PREM KANT & ORS.

..... Petitioners

Through: Mr.Kailash Pandey, Mr.B.P. Tiwari and
Mr.Mukesh K., Advocates with petitioners in
person

versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Laksh Khanna, APP for State with
SI Mohit Kumar and HC Satender
Respondent No.2 in person

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
20.02.2024

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1. The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.2/2023 registered under Sections 420 IPC at P.S. Cyber Police Station South East, Delhi on the ground that the parties have amicably settled their disputes.
2. The allegations in the present FIR pertain to fraud with respect to e-shopping.
3. Learned APP for the State submits that the petitioners are the only accused persons and respondent No.2 is the complainant/victim. He further submits that although there is another accused namely, *Saurabh Yadav*, however, his whereabouts are not known. He submits that till date only the name of the said person is available without any further details. Learned



Counsel for the petitioners states that the said accused is not in touch with the petitioners and that the petitioners do not have any control over him

4. Learned counsel for the parties submit that the parties have entered into a settlement vide Memorandum of Understanding/Settlement dated 10.02.2023. In terms of the settlement, respondent No.2 is now left with no claim whatsoever against the present petitioners.

5. The petitioners, who are present in the Court, have been identified by their counsel as well as by the Investigating Officer. Respondent No.2, who is present in the Court, has also been identified by the Investigating Officer.

6. Respondent No.2 states that he has entered into the aforesaid Memorandum of Understanding/Settlement out of his own free will, volition and without any coercion. He further 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 present criminal proceedings, it is directed that the aforesaid FIR and the consequent proceedings arising therefrom are hereby quashed against the present petitioners only, subject to payment of cumulative cost of Rs.10,000/- by the petitioners to be deposited 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 Investigating Officer as well as in Court.

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

14. Let a copy of this order be communicated to the Member Secretary, Delhi State Legal Services Authority for information.

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

FEBRUARY 20, 2024

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