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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 3310/2024, CRL.M.A. 12761/2024**

MUSHARRAF@ MUSRAT JAHAN & ANR. Petitioners
Through: Mr. Vinay Yadav, Mr. Rao Balvir Singh, Ms. Nidhi Kapoor and Mr. Guru Simran Kaur, Advocates with petitioners in person.
versus

STATE (NCT OF DELHI) AND ANR. Respondents
Through: Mr. Laksh Khanna, APP for the State with SI Anugraha, P.S. Welcome. Respondent No.2 in person.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
29.04.2024

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1. The present proceedings are instituted under Section 482 Cr.P.C. on behalf of the petitioners seeking quashing of FIR No. 795/2007 registered under Sections 420/120B/466/467/468/471/34 IPC at P.S. Welcome Colony on the ground that the parties have amicably settled their disputes.
2. As per the allegations in the FIR, the petitioners under a criminal conspiracy, forged the allotment receipt of the property of the complainant to cheat him.
3. Mr. Khanna, learned APP for the State, on instructions, submits that the petitioners are the only accused persons and respondent No.2 is the complainant/victim in the present case.
4. Learned counsel for the petitioners submits that petitioner No.2 has since expired and in this regard, his death certificate has been placed on



record. He further submits that petitioners and respondent No.2 shared the relation of tenants and landlord at one point of time and that they have amicably settled their disputes vide Memorandum of Understanding dated 06.10.2023, a copy whereof has been placed on record. It is submitted that all the obligations, under the aforesaid MOU, have been complied with.

5. Petitioners, who are present in Court, have been identified by his counsel as well as the I.O./SI Anugraha, P.S. Welcome.

6. Respondent No. 2, who is also present in Court, has been identified by his counsel as well as I.O. He states that he has settled the disputes with the petitioners 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. The parties shall remain bound by the statements made in Court today.

8. 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... ”

9. 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;”

10. 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.

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

MANOJ KUMAR OHRI, J

APRIL 29, 2024

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