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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 1295/2024**

PARVEEN SHARMA

..... Petitioner

Through: Mr. Vishnu Kant Pandey and Mr.
Raman Sharma, Advocates with
petitioner in person (through V.C.)

versus

STATE OF NCT OF DELHI AND ANR.

..... Respondents

Through: Mr. Amol Sinha, ASC for State with
Mr. Kshitiz Garg, Mr. Ashvini Kumar
and Ms. Chavi Lazarus, Advocates
alongwith SI Ashok Rajtaniya, P.S.
Anand Vihar.
Mr. I.P. Saini, Advocate for
respondent No.2 with 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 Article 226 of the Constitution of India read with Section 482 Cr.P.C. on behalf of the petitioner seeking quashing of FIR No. 439/2022 registered under Section 420 IPC at PS- Anand Vihar on the ground that the parties have amicably settled their disputes.
2. The allegations in the present FIR relate to fraud and forgery with respect to transfer of an immovable property
3. Mr. Sinha, learned ASC for the State, on instructions, submits that the petitioner is the only accused person and respondent No.2 is the



complainant/victim in the present case.

4. Learned counsel for the petitioner submits that the petitioner and respondent No. 2 have amicably settled their disputes vide Settlement Agreement dated 20.06.2023, a copy of which has been placed on record. In terms of the settlement, petitioner has paid a sum of Rs.61,20,000/- to respondent No.2/complainant, as full and final settlement, towards all his claims and now complainant is left with no claim or grievance against the petitioner.

5. Petitioner, who has joined the proceedings through V.C., has been identified by his counsel as well as the I.O./SI Ashok Rajtaniya, P.S. Anand Vihar. Petitioner has shown remorse for his conduct and undertakes not to repeat the same in future.

6. Respondent No. 2, who is present in Court alongwith his counsel, has been identified by his counsel as well as I.O. He states that he has settled the disputes with the petitioner out of his own free will, volition and without any coercion. He also acknowledges the receipt of entire settled amount and 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, subject to cost of Rs.25,000/- to be deposited with the Delhi State Legal Services Authority (A/c No. 18580110053263, UCO Bank, Branch: Rouse Avenue, IFSC : UCBA0003364) within a period of four weeks from today.



The amount so deposited shall be utilized by the DSLSA for providing counselling/psychological support to POCSO victims requiring such assistance.

11. Proof evidencing receipt of deposit shall be filed with the I.O. as well as in Court failing which, the I.O. shall be at liberty to move appropriate application.

12. A copy of this order be communicated to the Member Secretary, Delhi State Legal Services Authority for intimation.

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

MANOJ KUMAR OHRI, J

APRIL 29, 2024

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