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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 4451/2023, CRL.M.A. 17051/2023, CRL.M.A.
24420/2023

MANOJ BAHETY

..... Petitioner

Through: Mr. Adarsh Tripathi, Mr. Vikram
Singh Baid and Mr. Ajitesh Garg,
Advocates with petitioner in person.

versus

THE GOVT OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Laksh Khanna, APP for State
with SI Manish, P.S. Kirti Nagar.
Mr. Rakesh Malmiya, Mr. Rajat
Yadav and Mr. Manish Chaudhary,
Advocates for respondent No.2 with
respondent No.2 in person through
V.C.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

13.02.2024

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1. Though the present petition has been filed by the petitioner seeking to assail the order dated 25.01.2023 passed by learned ASJ-03, West, Tis Hazari Court, Delhi in CRL.REV.87/2021 on merits, however during the pendency of the proceedings, parties have been able to reach an amicable settlement vide Memorandum of Understanding dated 18.08.2023 whereby parties have agreed for quashing of FIR No. 82/2020 registered under Sections 420/506 IPC at P.S. Kirti Nagar.
2. The allegations in the present FIR relate to fraud with respect to transfer of consignments involving marble slabs.



3. Mr. Khanna, learned APP for the State, on instructions, submits that the petitioner is the only accused and respondent No.2 is the complainant/victim in the present case.

4. Learned counsel for the petitioner submits that petitioner and respondent No. 2 have amicably settled their disputes vide aforesaid MOU, a copy of which has been placed on record. In terms of the said settlement, petitioner shall pay a sum of Rs.5,50,000/- to the respondent No.2, which has been paid today through a demand draft bearing No. 583838 dated 31.07.2023 drawn on Bank of Maharashtra which has been revalidated on 09.02.2024. It is submitted that in terms of the settlement respondent No.2 is now left with no claim or grievance against the petitioner.

5. Petitioner and Mr. Prit Pal Singh, A.R. of respondent No.2, who are present in Court, have been identified by their respective counsel as well as the I.O./SI Manish, P.S. Kirti Nagar.

6. Petitioner has shown remorse for his conduct and undertakes not to repeat the same in future. Mr. Prit Pal Singh, A.R. of respondent No. 2 also confirms the settlement having been arrived at between the petitioner and respondent No.2. He further states that respondent No.2 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.10,000/- to be deposited with the Delhi State Legal



Services Authority 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.

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

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

MANOJ KUMAR OHRI, J

FEBRUARY 13, 2024

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