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

+ **CRL.M.C. 4485/2023**

ARCHNA PATIAL & ORS.

..... Petitioners

Through: Ms. Manjit Kaur, Advocate with
petitioners in person.

versus

GOVT OF NCT OF DELHI & ANR

..... Respondents

Through: Mr. Aashneet Singh, APP for State
with SI Chulhan Prasad PS Bharat
Nagar, Delhi.

Mr. Vinay Kumar Singh, Advocate
for respondent No.2 with respondent
No.2 in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

20.05.2024

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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. 295/2023 registered under Sections 406/420/34 IPC at Police Station Bharat Nagar, Delhi on the ground that the parties have amicably settled their disputes.
2. The allegations in the present FIR relate to fraud and forgery committed by the petitioners on the pretext of providing the complainant with a job abroad.
3. Mr. Aashneet Singh, 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 the present FIR has been registered due to misunderstanding. He further submits that parties



have amicably settled their disputes vide MoU Deed dated 29.05.2023, a copy of which has been placed on record. In terms of the said settlement, complainant is now left with no claim or grievance against the petitioners.

5. Petitioners and respondent No.2, who are present in Court, have been identified by their respective counsel as well as the I.O./ SI Chulhan Prasad PS Bharat Nagar, Delhi.

6. Petitioners have shown remorse for their conduct and undertake not to repeat the same in future. Respondent No. 2 also 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 she has no objection if the present FIR and consequent proceedings are quashed.

7. Respondent No.2 is present in person and is identified by the IO states that he has received all payments in terms of the MoU and that he has no objection in quashing the instant FIR.

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 subject to payment of cost of Rs.5,000/- to be deposited by each of the petitioners with the Delhi State Legal Services Authority(Account No.18580110053263, UCO Bank, Branch Rouse Avenue, IFSC: UCBA0003364) 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 I.O. as well as in Court.

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

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

15. In case receipt of cost is not filed within two weeks, the IO will be at liberty to move an appropriate application in this regard.

MANOJ KUMAR OHRI, J

MAY 20, 2024/rd