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

+ **CRL.M.C. 4741/2023**

SMT NEHA SEHGAL AND ANR Petitioners

Through: Mr Navneet Kumar and Mr. Vikram
Yadav, Advocates with petitioners in
person.

versus

THE STATE NCT OF DELHI Respondent

Through: Mr. Nawal Kishore Jha, APP for State
with SI Manjit Singh PS Kirti Nagar,
Delhi.
Ms. S. Sood, Advocate for
complainant.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

24.05.2024

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1. The present proceedings are instituted under Section 482 Cr.P.C. seeking quashing of FIR No. 283/2021 registered under Section 420 IPC at Police Station Kirti Nagar, Delhi.
2. The allegations in the present FIR relate to the cheating committed by the petitioners in respect of a loan transaction.
3. Mr. Nawal Kishore Jha, learned APP for the State, submits that the petitioners are the only accused persons and respondent No.2 is the complainant in the present case. He submits that the matter is still pending investigation.
4. Ms. S. Sood, learned counsel for the respondent No.2/complainant, who appears through VC, states that the complainant/respondent No.2/bank have issued 'no dues certificate', the loan having been repaid by the



petitioners.

5. Learned counsel for the petitioners submits that the petitioners have already paid the due amount to the respondent No.2/complainant and a no dues certificate has already been issued in this regard, copy of which has been placed on record.

6. Petitioners have shown remorse for their conduct and undertake not to repeat the same in future.

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. Considering that the loan amount of Rs.3 lacs already stands paid and a no dues certificate has already been issued in this regard, and 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 cumulative cost of Rs.5,000/- to be deposited by the petitioners 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.

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

12. Proof evidencing receipt of deposit shall be filed with the I.O. In case proof of deposit is not filed within stipulated time, the IO shall be at liberty to move an appropriate application in this regard.



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

MAY 24, 2024/rd

MANOJ KUMAR OHRI, J