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

+ **CRL.M.C. 4798/2023**

VIJENDER KUMAR@MOHD. ILLIYAS AND ORS. Petitioners

Through: Mr. Rajesh Pandey, Advocate with
petitioners in person

versus

STATE OF NCT DELHI AND ORS

..... Respondents

Through: Mr. Amol Sinha, ASC (CrI.) for State
with Mr. Kshitiz Garg, Mr. Ashvini
Kumar and Ms. Chavi Lazarus, Advocates with
SI Gorav
Respondent No.2 in person
Mr. Ravi Prakash, CGSC

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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06.03.2024

CRL.M.A. 4743/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

CRL.M.A. 4742/2024 (seeking permission to amend prayer clause by the petitioners)

1. By way of present application filed under Section 482 Cr.P.C. the petitioners seek permission to amend prayer clause of the main petition.
2. Though initially a prayer was made for quashing of FIR No.217/2008 registered under Sections 380/420/467/468/471/120B IPC at P.S. EOW, Delhi as well as the proceedings pending in respect of Complaint Case



No.271/2021 filed by the ED, however, the present application has been filed seeking an amendment, thereby withdrawing the prayer for quashing of the Complaint Case No.271/2021.

3. Learned counsel for the petitioners submits that the petition is pressed only qua the subject FIR.

4. In view of the above, the application is allowed. The application is disposed of.

CRL.M.A. 18327/2023 (delay in re-filing)

1. By way of present application filed under Section 482 Cr.P.C., the petitioners seek condonation of delay of 30 days in re-filing the petition.

2. Issue notice.

3. Learned APP for State accepts notice and submits that he has no objection to the prayer made in the application.

4. For the reasons stated in the application and in view of the no objection from the other side, the present application is allowed and the delay of 30 days in re-filing the petition is condoned.

5. The application is disposed of.

CRL.M.C. 4798/2023

1. The present petition has been filed under Section 482 Cr.P.C. read with Article 227 of the Constitution of India seeking quashing of FIR No.217/2008 registered under Sections 380/420/467/468/471/120B IPC at P.S. EOW, Delhi on the ground that the parties have amicably settled their disputes.

2. As per the allegations levelled in the FIR, the petitioners illegally used cheques belonging to respondent No.2 to withdraw certain amounts from her bank accounts.



3. Learned APP for the State submits that in the present case the petitioners are the only accused persons and respondent No.2 is the only complainant/victim.
4. Learned counsel for the petitioners submits that the parties have entered into a settlement vide Memorandum of Understanding (MoU) dated 17.03.2023. In terms of the settlement, respondent No. 2 is now left with no claim whatsoever against the petitioners.
5. The petitioners, who are present in the Court, have been identified by their counsel and the Investigating Officer. Respondent No.2, who is also present in Court, has been identified by the Investigating Officer.
6. Respondent No.2 state that she has entered into the aforesaid MoU out of her own free will, volition and without any coercion. She further states that she has no objection if the present FIR and consequent proceedings are quashed.
7. Learned counsel for the petitioners submits that no other proceedings are pending between the parties.
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 since no useful purpose will be served in continuance of the present criminal proceedings, it is directed that the aforesaid FIR and the consequent proceedings arising therefrom are hereby quashed

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

MANOJ KUMAR OHRI, J

MARCH 6, 2024/na