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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 5062/2023, CRL.M.A. 19218/2023, CRL.M.A. 19220/2023

MOKHAN RAI DAYAL

..... Petitioner

Through: Mr. Arshdeep Singh, Mr. Akshat Gupta, Ms. Sakshi Tikmany and Ms. Srishti Agarwal, Advocates with petitioner in person.

versus

STATE & ANR.

..... Respondents

Through: Ms. Rupali Bandhopadhyaya, ASC for State with Mr. Abhijeet Kumar, Advocate alongwith SI Satish Bhati, P.S. Okhla Indust. Area.
Mr. Akshai Malik, Mr. Akshay Sehgal, Mr. Khawar Saleem and Mr. Arun Kumar, Advocates for Respondent No. 2 with respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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19.03.2024

1. The present proceedings are instituted under Section 482 Cr.P.C. seeking quashing of FIR No. 681/2021 registered under Sections 406/420/468 IPC at P.S. Okhla, 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 petitioner in the name of investment and promotion of respondent No.2's business.
3. Ms. Rupali Bandhopadhyaya, learned ASC for the State, on instructions,



submits that apart from the petitioner, there is another accused person namely *Rajni Khare* and that respondent No.2 is the complainant/victim in the present case. Learned ASC further submits that though the FIR was registered under Sections 406/420 IPC however, during the investigation Section 468 IPC was added. It is further stated the other accused *Rajni Khare* has not been impleaded as a party in the present quashing petition.

4. Learned counsel for the petitioner submits that the parties have amicably settled vide Settlement Agreement dated 02.11.2023. It is further stated that the entire settlement amount has been paid to complainant. In terms of the said settlement, complainant is now left with no claim or grievance against the petitioner.

5. Petitioner and respondent No.2, who are present in Court, have been identified by their respective counsel as well as the I.O./SI Satish Bhati, P.S. Okhla Indust. Area.

6. Petitioner has shown remorse for his conduct and undertakes not to repeat the same in future. Respondent No. 2 states that he has settled the disputes with the petitioner and another accused out of his own free will, volition and without any coercion, however only one accused has filed the present petition. He further states that he has no objection if the present FIR and the 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 qua the present petitioner subject to payment of cost of Rs.50,000/- 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 Delhi State Legal Services Authority 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 Registry shall list the matter in the Court.

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 applications.

MANOJ KUMAR OHRI, J

MARCH 19, 2024

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