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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 1540/2024, CRL.M.A. 15027/2024**

**SHREE RADHIKA TRADE IMPEX PRIVATE LIMITED
& ORS.**

..... Petitioners

Through: Mr. Amit Bhatia, Advocate with
petitioners in person.

versus

STATE NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Sanjay Lao, Standing Counsel for
State with Mr. Abhinav Kumar Arya,
Advocate alongwith SI Pankaj, P.S.
Sector 23, Dwarka.
Mr. Purvesh Bhuttan, Mr. Prateek
Narwar and Mr. Antara, Advocates
for respondent No.2 alongwith Mr.
Ajay Shrivastav, A.R. of respondent
No.2 in person.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
15.05.2024

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1. The present proceedings are instituted under Articles 226/227 of the Constitution of India read with Section 482 Cr.P.C., the petitioners seek quashing of FIR No. 0109/2023 registered under Sections 420/468/471/34 IPC at P.S. Sector 23, Dwarka, Delhi on the ground that the parties have amicably settled their disputes.
2. The allegations in the present FIR are that the accused persons have allegedly cheated the complainant's company.
3. Mr. Lao, learned Standing Counsel 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 petitioners and respondent No. 2 have amicably settled their disputes out of Court for a sum of Rs.59,96,760/- which shall be paid by the petitioner to the respondent. It is submitted that out of the total settled amount of Rs.59,96,760/-, a sum of Rs.55,00,000/- has already been paid and balance amount of Rs.4,96,760/- has been paid today through two demand drafts bearing Nos. 522397 dated 21.02.2024 drawn on ICICI Bank for a sum of Rs.3,00,000/- and No. 522533 dated 29.02.2024 drawn on ICICI Bank for a sum of Rs.1,96,760/-. It is submitted that respondent No.2 is now left with no claim or grievance against the petitioners.

5. Petitioners, who are present in Court, have been identified by their counsel as well as the I.O./SI Pankaj, P.S. Sector 23, Dwarka. Petitioners have shown remorse for their conduct and undertake not to repeat the same in future.

6. Ajay Shrivastav, A.R. of respondent No. 2 is present in Court and has been identified by his counsel as well as I.O. He states that an understanding has been arrived at between the petitioners and respondent No.2 that the petitioner shall pay a sum of Rs.59,96,760/- towards all the claims of the respondent No.2. He acknowledges the receipt of entire settled amount and further states that respondent No.2 has no objection if the present FIR and consequent proceedings are quashed, subject to encashment of Rs.4,96,760/-, handed over to him in the court today.

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 encashment of aforementioned demand draft of Rs.4,96,760/- and further subject to composite cost of Rs.1,00,000/- (Rupees One Lac Only) to be deposited with the Delhi State Legal Services Authority (A/c No. 18580110053263, UCO Bank, Branch: Rouse Avenue, IFSC: UCBA0003364) 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 failing which, the I.O. shall be at liberty to move appropriate application.

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

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

MANOJ KUMAR OHRI, J

MAY 15, 2024

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