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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 4041/2024, CRL.M.A. 15400/2024, CRL.M.A.
15401/2024, CRL.M.A. 15402/2024

RAM MANI PANDAY AND ANR

..... Petitioners

Through: Mr. K.K. Manon, Sr. Advocate with
Ms. Udit Bali, Mr. Karmanya Singh
Choudhary and Mr. Lavish Chandra,
Advocates with petitioners in person.

versus

STATE NCT OF DELHI AND ORS

..... Respondents

Through: Mr. Nawal Kishore Jha, APP for State
with SI Sonu, P.S. Seemapuri and SI
Seema, EOW.

Respondent No.2/*Madhur Goel* in
person.

Mr. Trideep Pais, Sr. Advocate with
Ms. Neha Rathi, Mr. Kamal Kishore,
Ms. Kajal Giri and Mr. Sumit,
Advocates for respondent Nos. 3 to 6
alongwith respondent Nos. 3 and 5 in
person and respondent Nos. 4 and 6
through V.C.

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. 580/2006 registered under Sections 170/384/406/419/420/120B IPC at P.S. Seema Puri, Delhi on the ground that the parties have amicably settled their disputes.
2. The allegations in the present FIR are that the petitioners have cheated and defrauded the respondents.



3. Mr. Jha, learned APP for the State, on instructions, submits that the petitioners are the only accused persons and respondent Nos.2 to 6 are the complainants/victims in the present case. He, on further instructions, submits that charge has been framed and evidence is yet to be recorded.

4. Mr. Manan, learned Senior Counsel for the petitioners submits that the petitioners and respondent Nos. 2 to 6 have amicably settled their disputes vide Memorandum of Understanding dated 22.09.2023, a copy of which has been placed on record. In terms of the said settlement, complainants are 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 Sonu, P.S. Seemapuri and SI Seema, EOW. Petitioners have shown remorse for their conduct and undertake not to repeat the same in future.

6. Respondent Nos. 2 to 6, who are either present in Court or have joined the proceedings through V.C., have been identified by the I.O. They state that they have settled the disputes with the petitioners out of their own free will, volition and without any coercion. They further state that they have 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, subject to the cost of Rs.1,00,000/- (Rupees One Lac Only) to be deposited



by each of the petitioners 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 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. failing which, I.O. shall be at liberty to move appropriate application.

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

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

MANOJ KUMAR OHRI, J

MAY 20, 2024

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