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

+ **W.P.(CRL) 1644/2024**

SH. SANDEEP ARYA & ORS.

..... Petitioners

Through: Mr. Sandeep Vyas and Mr. Naveen,
Advts.

versus

STATE NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Sanjay Lao, SC for State with SI
Ashok R. PS. Anand Vihar.
Mr. Sahil Chauhan, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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22.05.2024

CRL.M.A. 16009/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. The present petition has been filed under Article 226 of the Constitution of India read with Section 482 CrPC seeking quashing of FIR No.317/2020 under Sections 420/34 IPC registered at Police Station Anand Vihar and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
4. Issue notice. The learned Standing Counsel for the State accepts notice. He further submits that since the FIR is an outcome of a property dispute and the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed. However, he adds that



some cost may be imposed on the petitioners as considerable time and effort has been spent on the investigation and judicial time has also been wasted.

5. The petitioner nos.1 to 3 are present in Court whereas the respondent no. 2/ complainant has joined through VC and they have been identified by their respective counsel and by the Investigating Officer SI Ashok R. PS. Anand Vihar.

6. The case of the prosecution is that the FIR was registered on the complaint of respondent no.2 against the petitioners alleging that respondent no.2 purchased property from the petitioners *vide* registered Sale Deed which was preceded by execution of Agreement to Sell and GPA but the possession of the property was not handed over to the respondent no.2. The dispute between the parties also led to the registration of present FIR.

7. During the pendency of the proceedings, the parties arrived at a settlement, terms whereof were reduced in writing in the form of Memorandum of Understanding dated 29.04.2021, which is annexed as Annexure P-2 to the present petition.

8. It is also recorded in the settlement that the parties have mutually and amicably settled all their disputes and in terms thereof the petitioner nos.1 to 3 had agreed to pay a total sum of Rs.1,60,50,000/- to the respondent no.2 towards full and final settlement of all her claims and damages related to the property. The entire settlement amount has been paid by the petitioner nos.1 to 3 to the respondent no.2 in the manner as mentioned in the settlement.

9. The receipt of full and final settlement amount of Rs.1,60,50,000/- is acknowledged by the respondent no.2, who has joined through VC.

10. The respondent no.2, on a query put by the Court, states that she has no objection in case the FIR is quashed.



11. At this stage, apt would it be to refer to the observations of the Supreme Court in *Gian Singh v. State of Punjab*, (2012) 10 SCC 303: (SCC p. 340, para 58)

“58. Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor.”

12. In *Parbatbhai Aahir vs. State of Gujarat* (2017) 9 SCC 641, again the Hon’ble Supreme Court laid down as under:-

“...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 insofar 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”...

13. The transaction in the present case pertained to the property. In view of the settlement between the parties, the ultimate chances of conviction in the case are bleak, therefore, continuation of criminal proceedings will not serve any useful purpose and it will be an exercise in futility.



14. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.

15. Consequently, the petition is allowed and the FIR No.317/2020 under Sections 420/34 IPC registered at Police Station Anand Vihar alongwith all other proceedings emanating therefrom, is quashed.

16. The petition stands disposed of in the above terms.

17. Order be uploaded on the website of this court.

VIKAS MAHAJAN, J

MAY 22, 2024/dss