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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 5794/2023**

DINESH KUMAR AGGARWAL AND ANR. Petitioners
Through: Mr. Amit Joshi, Mr. Prabhjot Kaur
and Ms. Vineeta Sharma, Advocates
with petitioners in person.

versus

**STATE THROUGH GOVT OF NCT OF NEW DELHI AND
ORS** Respondents
Through: Mr. Sanjeev Bhandari, ASC for State
with SI Nikhil Singh, P.S. EOW.
Mr. Jatin Garg, Advocate for
respondent Nos. 2 to 4 with Mr.
Ankur Shokeen, A.R. of respondent
No.2 in person.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
10.04.2024

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1. The present proceedings are instituted under Section 482 Cr.P.C. seeking quashing of FIR No.27/2016 registered under Sections 409/420/467/468/471/120B IPC at P.S. Economic Offences Wing, Delhi on the ground that the parties have amicably settled their disputes.
2. The allegations in the present FIR relate to offence of cheating and forgery committed by the petitioners and other individuals w.r.t certain property/project.
3. Mr. Bhandari, learned ASC for the State, on instructions, submits that besides the present petitioners there are other accused persons who have not been made party in the present proceedings. He further submits that



respondent Nos.2 to 5 are the complainants/victims in the present case.

4. Learned counsel for the petitioners submits that a settlement has been arrived at between respondent No. 2/company and its directors i.e. respondent Nos. 3 to 5 and present petitioners only vide Compromise Deed/Agreement dated 29.04.2022. He further submits that in terms of the settlement, the complainants are now left with no claim or grievance whatsoever against the present petitioners.

5. Petitioners, who are present in Court, have been identified by their counsel as well as the I.O./SI Nikhil Singh, P.S. EOW. Mr. Ankur Shokeen, A.R. of respondent No.2, who is also present in Court, has been identified by the I.O.

6. Petitioners have shown remorse for their conduct and undertake not to repeat the same in future. Mr. Ankur Shokeen, A.R. of respondent No.2/Company submits that respondent Nos. 2 to 5 have settled the disputes with the present petitioners out of their own free will, volition and without any coercion. He further states that all the obligations under the settlement have already been complied with and that respondent Nos. 2 to 5 have no objection if the present FIR and the consequent proceedings are quashed qua present petitioners.

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 petitioners only, subject to payment of cost of Rs.10,00,000/-



to be deposited by each of the petitioners out of which Rs.2.5 lacs shall be deposited with the Delhi State Legal Services Authority (A/c No.: 18580110053263, UCO Bank, Branch: Rouse Avenue, IFSC: UCBA0003364), Rs. 2.5 lacs shall be deposited with Delhi High Court Bar Association Sports Club (A/c No.15530110006412), Rs. 2.5 lacs shall be deposited with the Delhi High Court Bar Association Employee Fund, and the remaining Rs. 2.5 lacs shall be deposited with the Delhi High Court Staff Welfare Fund within a period of four weeks from today. The amount so deposited with Delhi State Legal Services Authority shall be utilized for providing counselling/psychological support to POCSO victims requiring such assistance. It is clarified that the proceedings shall continue against the remaining accused persons.

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.

MANOJ KUMAR OHRI, J

APRIL 10, 2024

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