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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 5833/2023

SUJEET KUMAR

.....Petitioner

Through: Mr.Asheesh Raizada and Mr.Ritwik
Pandey, Advocates with petitioner in person

versus

STATE OF NCT & ANR.

.....Respondents

Through: Mr.Sanjeev Sabharwal, APP for State
with SI Ashish
Mr.Vikram Singh, Advocate for respondent No.2
with AR of respondent No.2 in person

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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08.07.2024

1. The present petition has been filed seeking quashing of FIR No.667/2016 registered under Sections 420/468/471 IPC at P.S. Janakpuri on the ground that the parties have amicably settled their disputes.
2. The allegations in the FIR relate to the cheating and forgery committed by petitioner against respondent No.2 company.
3. Learned APP for the State submits that in the present case the petitioner is the only accused and respondent No.2 is the only complainant/victim. He further submits that in the present case, the chargesheet has already been filed under the aforesaid Sections.
4. Learned counsels for the parties submit that the parties have reached an amicable settlement vide Settlement Deed dated 28.09.2019. In terms of the settlement, respondent No. 2 is now left with no claim or grievance whatsoever against the petitioner. Respondent No.2 company is represented



in the present proceedings by one *Jagjeet Singh*/authorized representative. In this regard, a board resolution in favour of *Mr. Jagjeet Singh* has been handed over in Court and the same is taken on record.

5. The petitioner and authorized representative of respondent No.2, who are present in the Court, have been identified by their respective counsels and the Investigating Officer.

6. Authorised representative of respondent No.2 states that the aforesaid Settlement Deed has been entered into without any coercion and that respondent No.2 company has no objection if the present FIR and consequent proceedings are quashed.

7. Learned counsels for the parties submit that no other proceedings are pending between the parties.

8. The parties shall remain bound by the statements made in Court today.

9. 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...”

10. 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;”

11. In view of the above facts and since no useful purpose will be served in continuance of the present criminal proceedings, it is directed that the aforesaid FIR and the consequent proceedings arising therefrom are hereby quashed, subject to payment of cost of Rs.10,000/- by the petitioner to be deposited with the Delhi State Legal Services Authority (A/c No.: 18580110053263, Bank: 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.



12. Proof evidencing receipt of deposit shall be filed with the I.O. In case the receipt of deposit of cost is not filed within the stipulated time, the I.O. shall be at liberty to move an appropriate application.
13. With the above directions, the petition is disposed of.
14. Let a copy of this order be communicated to the Member Secretary, Delhi State Legal Services Authority for information.

MANOJ KUMAR OHRI, J

JULY 8, 2024

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