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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 5889/2023

RAJIV COMMODITIES (P) LTD & ORS. Petitioners

Through: Mr. Amit Joshi, Ms. Prabhjot Kaur
and Ms. Vineeta Sharma, Advocates
with petitioners in person.

versus

STATE & ANR

..... Respondents

Through: Mr. Aashneet Singh, APP for State
with SI Kuldeep Bhati PS Saraswati
Vihar/EOW, Delhi.
Mr. Jawahar Chawla and Mr. Amit
Chawla, Advocates for respondent
No.2/SBI.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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29.05.2024

1. The present proceedings are instituted under Section 482 Cr.P.C. on behalf of the petitioners seeking quashing of FIR No. 1103/2006 registered under Sections 406/409/420/467/468/471/120B IPC at Police Station Saraswati Vihar, Delhi on the ground that the parties have amicably settled their disputes.
2. The allegations in the present FIR relate to cheating of funds through forgery of bank documents.
3. Learned APP 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 parties submit that they have been able to reach an amicable settlement before *Samadhan* Delhi High Court Mediation



& Conciliation Centre on 22.05.2024, a copy whereof has been placed on record. It is stated by learned counsel for the petitioners that in terms of the settlement agreement, the petitioners have handed over a demand draft bearing number 522302 drawn ICICI Bank, Rohini, Delhi for an amount of Rs.10,80,854.86 is handed over to learned counsel for the respondent No.2.

5. Learned counsel appearing for respondent No.2/SBI states upon instructions, that the respondent No.2 has no objection to quashing of FIR against the petitioners.

6. Petitioners, who are present in Court, have been identified by their respective counsel as well as the I.O./ SI Kuldeep Bhati PS Saraswati Vihar/EOW, Delhi.

7. Petitioners have shown remorse for their conduct and undertake not to repeat the same in future. Learned counsel for respondent No. 2 states that they have settled the disputes with the petitioners and that they have no objection if the present FIR and consequent proceedings are quashed.

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

9. In ParbatbhaiAahir 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 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 there from are hereby quashed subject to encashment of the aforesaid pay order as well as subject to payment of cumulative cost of Rs.25,000/- to be deposited by the petitioners with the Delhi State Legal Services Authority(Account No.18580110053263, UCO Bank, Branch Rouse Avenue, IFSC: UCBA0003364) within a period of two 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. as well as in Court.

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

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

15. In case the proof of cost is not filed within two weeks, the IO shall be at liberty to move an appropriate application in this regard.

16. With the above directions, the petition is disposed of.

MANOJ KUMAR OHRI, J

MAY 29, 2024/rd