



\$~24 to 29, 31 to 35 & 37

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
(24)+ CRL.M.C. 4418/2024 & CRL.M.A. 16775-76/2024
(25)+ CRL.M.C. 4420/2024 & CRL.M.A. 16779-80/2024
(26)+ CRL.M.C. 4421/2024 & CRL.M.A. 16783-84/2024
(27)+ CRL.M.C. 4424/2024 & CRL.M.A. 16787-88/2024
(28)+ CRL.M.C. 4425/2024 & CRL.M.A. 16791-92/2024
(29)+ CRL.M.C. 4426/2024 & CRL.M.A. 16796-97/2024
(31)+ CRL.M.C. 4428/2024 & CRL.M.A. 16800-01/2024
(32)+ CRL.M.C. 4430/2024 & CRL.M.A. 16806/2024, CRL.M.A. 16938/2024
(33)+ CRL.M.C. 4432/2024 & CRL.M.A. 16808/2024, CRL.M.A. 16937/2024
(34)+ CRL.M.C. 4435/2024 & CRL.M.A. 16812/2024, CRL.M.A. 16936/2024
(35)+ CRL.M.C. 4439/2024 & CRL.M.A. 16818-19/2024
(37)+ CRL.M.C. 4442/2024 & CRL.M.A. 16823-24/2024

ASHWANI KUMAR

..... Petitioner

Through: Mr.Arvind Sharma and
Mr.Madhukant Jha, Advs.
along with petitioner in person.

versus

STATE NCT OF DELHI AND ANR

..... Respondents

Through: Mr.Shoaib Haider, APP
Mr.Sidharth Chopra and
Mr.Navneet, Advs. for R-2.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

28.05.2024

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1. These petitions have been filed under Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') praying for the following reliefs:



*“(a) Quash / set aside the Impugned Order dated 30.11.2023, passed by the Court of Ms. Vinerjeet Kaur, M.M., (N.I Act-03), District South West, Dwarka Courts, New Delhi in C.C. No. 548 of 2015 titled Chola mandalam Investment and Finance Company Ltd versus Ashwani Kumar and thereby be pleased to quash all further consequential proceedings thereafter ;
(b) quash the entire proceedings under Section 138 N.I Act in terms of law settled by the Hon’ble Apex Court as stated hereinabove and more particularly when the entire dispute w.r.t. cheques have been settled by the petitioner by entering into settlement dated 12.01.2024 and be further pleased to quash all the consequential proceedings thereafter ;
(c) direct the S.H.O Police Station Dwarka South not to register F.I.R against the petitioner pursuant to impugned order dated 30.11.2023.”*

2. The learned counsel for the Petitioner and the learned counsel for the Complainant Company, that is, Chola mandalam Investment and Finance Company Ltd., submit that the dispute between the parties has been amicably settled and the full and final payment of all claims and dues of the Complainant has been received, along with the fine that was imposed by this Court vide its Order dated 14.03.2023 passed in the batch of petitions, including Criminal Revision Petition No.255/2023.

3. The learned counsel for the petitioner, on instructions, submits that the Petitioner does not press for prayer (b) reproduced hereinabove.

4. As far as the prayers (a) and (c) are concerned, the learned counsel for the Petitioner submits that due to some *bona fide* reason,



the Petitioner could not appear before the concerned Court in answer to the summons and warrants issued against him. He submits that since the dispute has now been amicably settled between the parties, the Order dated 30.11.2023, which directed the registration of FIR under Section 174A of the Indian Penal Code, 1860 (in short, 'IPC') against the Petitioner, be quashed and the concerned SHO be directed not to register the FIR consequent to the said order, if the same has not already been registered.

5. The learned counsel for the complainant joins in this request.

6. As the underlying dispute between the parties was primarily civil in nature and has been amicably settled between them, this Court finds that no useful purpose would be served in continuing with proceedings to prosecute the Petitioner under Section 174A of the IPC. Though this Court is conscious of the fact that the offence under Section 174A of the IPC is not dependant on the settlement between the parties, but is primarily a matter between the Court and the accused, continuation of prosecution of offence under Section 174A of the IPC in the given facts, may only lead to further acrimony and heartburn between the parties who have amicably settled their *inter se* disputes. In a case having similar facts and circumstances, the Punjab and Haryana High Court in its order dated 19.12.2022 passed in CRM-M No. 59270 of 2022, titled ***Sanjeev Kumar v. State of Haryana***, has held that once the main dispute is settled via compromise, continuation of proceedings under Section 174A of the IPC would be an abuse of process of law.

7. Therefore, subject to the petitioner depositing costs of Rs.



40,000/- (jointly in all the cases) with the *Delhi High Court Bar Clerk's Association* within a period of two weeks from today, the Order dated 30.11.2023 passed by the learned Metropolitan Magistrate (NI Act-03), District South-West, Dwarka Courts, New Delhi in CC No.546/2015; CC No.547/2015; CC No.548/2015; CC No.549/2015; CC No.550/2015; CC No.551/2015; CC No.552/2015; CC No.553/2015; CC No.554/2015; CC No.555/2015; CC No.556/2015; and CC No.557/2015 titled ***Cholamandalam Investment and Finance Company Ltd v. Ashwani Kumar*** is hereby set aside.

8. In case the FIR has been registered pursuant to the said order, the said FIR shall also stand quashed. In case the FIR is not registered till date, the SHO of the concerned Police Station will not proceed to register the FIR in view of the order passed today.

9. The petitioner shall file the proof of deposit of the cost with this Court within a period of two weeks from today.

10. The petitions and the pending applications are disposed of in the above terms.

NAVIN CHAWLA, J

MAY 28, 2024/ns/sj

Click here to check corrigendum, if any