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

+ **CRL.M.C. 6398/2023**

LOVEL RAPUT

..... Petitioner

Through: Mr. Sanjay Srivastav and Mr. Anjney
Mishra, Advocates with petitioner in person

versus

STATE OF NCT DELHI & ANR.

..... Respondents

Through: Mr. Laksh Khanna, APP for State with
Insp. Suneel Sidhu
Mr. R.D. Tyagi and Mr. Akshat Shandilya,
Advocates for respondent No.2 with respondent
No.2 through V.C.
Mr. Semal Mahajan/victim through V.C.
Mr. Ashish /victim in person

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

20.02.2024

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1. The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.142/2023 registered under Sections 419/420/34 IPC and Section 66-D of Information Technology Act, 2000 at P.S. Special Cell, Dwarka, Delhi on the ground that the parties have amicably settled their disputes.
2. The allegations in the present FIR pertain to investment fraud.
3. Learned APP for the State submits that the petitioner is the only accused and respondent No.2 is the complainant/victim. He further submits that besides the present complainant, there are two other victims namely,



Mr.Ashish and Mr.Semal Mahajan.

4. At this stage, learned counsel for the petitioner submits that the petitioner has settled the matter with all the three complainants/victims and the amended memo of parties will be filed within two days from today.

5. Learned counsel for the parties submit that the parties have entered into a settlement vide Settlement Agreement dated 29.08.2023. In terms of the settlement, respondent No.2 and other aforesaid two victims are now left with no claim whatsoever against the present petitioner.

6. The petitioner, who is present in the Court and respondent No.2, who have joined the proceedings through V.C., have been identified by their respective counsels as well as by the Investigating Officer. *Ashish*, who is present in Court and *Semal Mahajan*, who has joined the proceedings through V.C., have also been identified by the Investigating Officer.

7. Respondent No.2, *Ashish* and *Semal Mahajan* state that they have entered into the aforesaid Settlement Agreement out of their own free will, volition and without any coercion. They further state that they have no objection if the present FIR and consequent proceedings are quashed.

8. Learned counsel for the petitioner submits that no other proceedings are pending between the parties.

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

10. 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...”

11. 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;”

12. 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.1,00,000/- by the petitioner to be



deposited with the Delhi State Legal Services Authority 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.

13. Proof evidencing receipt of deposit shall be filed with the Investigating Officer as well as in Court.

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

15. Let a copy of this order be communicated to the Member Secretary, Delhi State Legal Services Authority for information.

16. The Registry shall list the matter before this Court in case receipt of costs to be paid by the petitioner is not filed within the stipulated time period.

MANOJ KUMAR OHRI, J

FEBRUARY 20, 2024

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