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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 19.03.2024

+ CRL.M.C. 2930/2021, CRL.M.A. 18471/2021 & 8711/2024

RAJNI KHARE

..... Petitioner

Through: Mr. Arshdeep Singh, Mr. Akshat Gupta, Mr. Pranav Jain, Ms. Sakshi Tikmany and Ms. Srishti Agarwal, Advocates.

versus

STATE & ANR.

..... Respondent

Through: Ms. Rupali Bandhopadya, ASC with Mr. Abhijeet Kumar, Advocate with SI Satish Bhati PS: OIA.
Mr. Akshai Malik, Mr. Akshay Sehgal, Mr. Khawar Saleem and Mr. Arun Kumar, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

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J U D G M E N T

ANOOP KUMAR MENDIRATTA, J (ORAL)

1. Petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioners for quashing of FIR No. 0681/2021, under Sections 406/420 IPC, registered at P.S.: Okhla Industrial Area, Delhi and the proceedings emanating therefrom.
2. Learned counsel for petitioner submits that disputes between the parties have primarily arisen out of commercial loan transaction and have been settled in terms of the Settlement Agreement dated 02.11.2023. It is



also submitted that separate CRL.M.C. 5062/2023 was preferred on behalf of co-accused Mokhan Rai Dayal, for quashing of proceedings, which have been quashed vide order dated 19.03.2024 passed by Co-ordinate Bench of this Court. The payment, in terms of settlement agreement dated 02.11.2023, is stated to have been made.

3. Learned APP for the State submits that in view of amicable settlement between the parties, the State has no objection in case the FIR in question is quashed.

4. Petitioner and respondent No. 2 (through VC) have been identified by SI Satish Bhati PS: Okhla Industrial Area, Delhi. I have interacted with the parties and they confirm that the matter has been amicably settled between them without any threat, pressure or coercion. Respondent No. 2 also states that nothing remains to be further adjudicated upon between the parties and she has no objection in case the FIR in question is quashed.

5. Petitioners in the present case seek to invoke the powers under Section 482 of Code of Criminal Procedure. The same is to be used to secure the ends of justice or to prevent the abuse of process of any Court. In which cases, the power to quash the criminal proceedings or the complaint or FIR may be used when the offender as well as victim have settled their dispute, would depend upon the facts and circumstances of each case and no generalised list or categories can be prescribed. However, the Court is required to give due regard to the nature and gravity of the offence and consider the impact on the society.

6. The disputes between parties mainly relate to loan transaction. In view of settlement between the parties, no purpose shall be served by keeping the proceedings pending. Keeping in view the totality of the facts and



circumstances of the case, this court is of the opinion that the continuity of proceedings would be an abuse of process of court. Consequently, FIR No. 0681/2021, under Sections 406/420 IPC, registered at P.S.: Okhla Industrial Area, Delhi and the proceedings emanating therefrom stand quashed.

Petition is accordingly disposed of. Pending applications, if any, also stand disposed of.

A copy of this order be forwarded to the learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J.

MARCH 19, 2024/R