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

+ **CRL.M.C. 6925/2023 & CRL.M.A. 4315/2024**

EMAAR INDIA LIMITED & ORS. Petitioners

Through: Mr. Dayan Krishnan, Mr. Nibish Chib
with Mr. Anmol Dandone, AR of
petitioner's company in person.

versus

STATE NCT OF DELHI & ORS. Respondents

Through: Mr. Laksh Khanna, APP for State
with Inspector Rahul Soni, PS
EOW/Sec-IV, Delhi.
Mr. Ravin Rao, Mr. Akshit Sawal,
Mr. Pallav Gupta and Mr. Ayan
Sharma, Advocates for respondent
Nos. 2 and 3 with respondent Nos. 2
and 3 in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

09.02.2024

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1. The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 174/2018 registered under Sections 420/406/120B IPC at Police Station EOW, Delhi on the ground that the parties have amicably settled their disputes.
2. The present FIR has been lodged at the instance of the complainants against the petitioners alleging therein that the petitioner company and its officials have cheated the complainants.
3. Learned APP for the State, on instructions, submits that the petitioners are the only accused and respondent Nos. 2 and 3 are the only complainants/victims.



4. Learned counsel for the petitioners has referred to the order dated 22.09.2023, wherein it has been recorded that the present FIR has been registered on the basis of complaints made by ten complainants. It is informed that the petitioner has settled the dispute with eight of the complainants during the course of investigation. It is further submitted that with respect to remaining two complainants, the dispute has been settled and the amount due stands paid. He further stated that the petitioner was directed to file amended memo of parties impleading other accused persons. He states that the amended memo of parties has been filed.
5. Learned counsels for the parties submit that the parties have settled their dispute vide Settlement Agreement dated 08.09.2023. In terms of the settlement, respondent Nos. 2 and 3 are now left with no claim whatsoever against the petitioner.
6. AR of petitioner No.1 and respondent Nos. 2 and 3, who are present in the Court, have been identified by their respective counsels as well as the Investigating Officer/Inspector Rahul Soni, PS EOW/Sec-IV, Delhi.
7. Respondent Nos. 2 and 3 state that they have entered into the aforesaid settlement out of their own free will, volition and without any coercion. They further states that they have no objection if the present FIR and consequent proceedings are quashed.
8. Learned counsel for the petitioners 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:

xxx

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 the fact that the dispute stands settled, the amount having been paid, no useful purpose will be served in



continuance of the proceedings, it is directed that the aforesaid FIR is hereby quashed

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

MANOJ KUMAR OHRI, J

FEBRUARY 9, 2024/rd