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

+ **CRL.M.C. 7209/2023**

SALAUDIN AND ORS.

.....Petitioners

Through: Mr. Nishant Nain, Ms. Charu Sharma
and Mr. Sanjeev Kumar Singh,
Advocates (M:9818366274) with
petitioners in person.

versus

STATE OF NCT OF DELHI AND ORS.

.....Respondents

Through: Mr. Aashneet Singh, APP for State
with Mr. Sahil Arora, Mr. Vishwajeet
Singh, Ms. Ritu Kapoor Arora, Mr.
Vijay Pratap Singh, Ms. Priyanka
Mishra, Advocates with Inspector
Sikander Roy, RI South West District
and SI Parveen Rathi PS South
Avenue, New Delhi.

Mr. Rohit Kheriwal, Mr. Rupal
Gupta, Mr. Raman Badgular and Mr.
Ashok Kumar Ravi, Advocates for
respondent No.2.

Respondent Nos. 2 to 4 in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

31.07.2024

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1. The present proceedings are instituted on behalf of the petitioners seeking quashing of FIR No. 0031/2017 registered under Sections 419/420/468/471/120B IPC and Section 66D IT Act at Police Station South Avenue, Delhi on the ground that the parties have amicably settled their disputes.



2. The allegations in the present FIR relate to fraud and cheating committed by the petitioners on the false pretext of getting the respondents a government job.
3. Learned APP for the State, on instructions, submits that the petitioners are the only accused persons and respondent Nos.2 to 4 are the complainants/victims in the present case.
4. Learned counsel for the petitioners submits that the present FIR has been registered due to a misunderstanding. He further submits that parties have amicably settled their disputes vide Memorandum of Understanding dated 19.09.2023, a copy of which has also been placed on record. In terms of the said settlement, complainants are now left with no claim or grievance against the petitioners. The petitioners have paid the settlement amount of Rs.7.50 lacs to the respondent Nos. 2 to 4 by way of cash, on 20.03.2018. Furthermore, the petitioners have no other involvement in cases of a similar nature.
5. Petitioners and respondent Nos.2 to 4, who are present in Court, have been identified by their respective counsels as well as the I.O.
6. Petitioners have shown remorse for their conduct and undertake not to repeat the same in future. Respondent Nos. 2 to 4 also state that they have settled the disputes with the petitioners 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.
7. The parties shall remain bound by the statements made in Court today.
8. 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...”

9. 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;”

10. 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 therefrom are hereby quashed subject to payment of cost of Rs.10,000/- to be deposited by each of 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.

11. Proof evidencing receipt of deposit shall be filed with the I.O.
12. A copy of this order be communicated to the Member Secretary, Delhi State Legal Services Authority for intimation.
13. With the above directions, the petition is disposed of alongwith miscellaneous application.
14. 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.

MANOJ KUMAR OHRI, J

JULY 31, 2024/rd