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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 2906/2023**
LALIT & ANR.

.....Petitioners

Through: Mr. Yogesh Maini and Mr. Amit
Sharma, Advocates.

versus

STATE THROUGH SHO PS CYBER CELL & ANR.

.....Respondents

Through: Mr. Rahul Tyagi, ASC (Crl.) for State
along with SI Pruti Mann P.S.
Cyber/SD/ND.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

22.11.2024

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1. The present proceedings are instituted on behalf of the petitioners seeking quashing of FIR No. 58/2022 registered under Section 420 IPC at P.S. Cyber Police Station South, Delhi on the ground that the parties have amicably settled their disputes.
2. The allegations in the present FIR relate to fraudulent transactions made by the petitioners from respondent No.2's SBI credit card to the tune of Rs.52,000/-.
3. Mr. Tyagi, learned ASC for the State submits that the chargesheet stands filed in the present case. He further submits, on instructions, that even though the chargesheet is filed against three accused persons, the present petition has been preferred by only two of them. It is also submitted that



respondent No.2 is the complainant/victim in the present case.

4. Learned counsel for the petitioners submits that he is not aware about the whereabouts of the co-accused person, namely one *Rakhi* and prays that the petition be quashed qua the petitioner Nos. 1 and 2 only. Learned counsel for the petitioner further submits that the present FIR came to be registered due to a misunderstanding and that parties have amicably settled their disputes vide two Memorandums of Understanding/Compromise Deeds dated 12.09.2022, entered into by respondent No.2 with petitioner No.1 and petitioner No.2 respectively, copies of which have been placed on record. In terms of the said settlements, the complainant/respondent No.2 is now left with no claims or grievances against the present petitioners.

5. Petitioner Nos.1 and 2, who are present in Court, have been identified by their counsel as well as by the I.O./SI Pruti Mann, P.S. Cyber/SD. The petitioners have shown remorse for their conduct and undertake not to repeat the same in future.

6. Respondent No. 2, who has joined the proceedings through V.C., has also been identified by the I.O. He states that he has settled the disputes with the present petitioners out of his own free will, volition and without any coercion. He further states that all the obligations under the settlement, arrived at, have already been worked out and he has no objection if the present FIR and consequent proceedings are quashed qua the present petitioners.

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, and keeping in view that the



present petition has been preferred only by the two petitioners herein, it is directed that the aforesaid FIR and the consequent proceedings arising therefrom are hereby quashed only against the present petitioners.

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

MANOJ KUMAR OHRI, J

NOVEMBER 22, 2024/ssc