



\$~53

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

+ **CRL.M.C. 7252/2023**

MAHESH CHAND ORS

..... Petitioners

Through: Ms. Pooja Sarwal, Advocate with
petitioners in person.

versus

THE STATE (NCT OF DELHI) ORS

..... Respondents

Through: Mr. Nawal Kishore Jha, APP for State
with ASI Vikram Singh PS Karawal
Nagar, Delhi.

Mr. Brijesh Panchal Advocate for
respondent No.2 along with
respondent No.2 through VC.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

20.05.2024

%

1. The present proceedings are instituted under Section 482 Cr.P.C. on behalf of the petitioners seeking quashing of FIR No. 295/2010 registered under Sections 420/468/471/34 IPC at Police Station Karawal Nagar, Delhi on the ground that the parties have amicably settled their disputes.
2. The allegations in the present FIR relate to fraud and forgery of documents relating to the registration of an immovable property.
3. Mr. Nawal Kishore Jha, learned APP for the State, on instructions, submits that the petitioners are the only accused persons and respondent No.2 is the complainant/victim in the present case.
4. Learned counsel for the petitioners submits that the present FIR has been registered due to misunderstanding. He further submits that parties have amicably settled their disputes and an affidavit has been filed in this regard by the respondent No.2. In terms of the said settlement,



complainant/respondent No.2 is now left with no claim or grievance against the petitioners.

5. Petitioners and respondent No.2, who are present in Court, have been identified by their respective counsel as well as the I.O./ with ASI Vikram Singh PS Karawal Nagar, Delhi.

6. Petitioners have shown remorse for their conduct and undertake not to repeat the same in future. Respondent No. 2 also states that he has settled the disputes with the petitioners out of his own free will, volition and without any coercion. He further states that she has no objection if the present FIR and consequent proceedings are quashed.

7. Respondent No.2 is present in person and is identified by his counsel as well as by the IO states that he has received all payments in terms of the settlement and that he has no objection in quashing the instant FIR.

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

9. In ParbatbhaiAahir 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...”

10. 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;”

11. 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 cumulative cost of Rs.25,000/- to be deposited by 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.



12. Proof evidencing receipt of deposit shall be filed with the I.O. failing which the IO shall be at liberty to move appropriate application._
13. A copy of this order be communicated to the Member Secretary, Delhi State Legal Services Authority for intimation.
14. With the above directions, the petition is disposed of alongwith miscellaneous application.
15. In case receipt of cost is not filed within two weeks, the IO will be at liberty to move an appropriate application in this regard.

MANOJ KUMAR OHRI, J

MAY 20, 2024/rd