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

+ **W.P.(CRL) 2096/2024 & CRL. MA 20302/2024**

PAWAN KUMAR JANGID

.....Petitioner

Through: Mr. Vipin Panwar, Advocate with
petitioner in person.

versus

STATE (N.C.T. OF DELHI) & ANR

.....Respondents

Through: Mr. Amol Sinha, ASC (Crl.) for the
State with Mr. Kshitiz Garg and Mr.
Ashvini Kumar and Ms. Chavi
Lazarus, Advocates along with SI
Sahil Gehlawat with HC Parmod PS
Cyber Police Station, Dwarka, New
Delhi.

Respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **15.07.2024**

1. The present proceedings are instituted on behalf of the petitioner seeking quashing of FIR No. 0077/2022 registered under Section 420 IPC at Police Station Cyber Police Station, Dwarka, Delhi on the ground that the parties have amicably settled their disputes.
2. The allegations in the present FIR, the petitioner attempted to fraudulently withdraw money from the complainant's bank account through online means.
3. Mr. Amol Sinha, learned ASC (Crl.) for the State, on instructions, submits that besides the present petitioner, there are other co-accused who are the mastermind and against whom investigation is still pending. He



further states that the respondent No.2 is the only complainant/victim in the present case. It is also stated that the charge-sheet has been filed in the present case qua the present petitioner only. He prays that the investigation qua the other accused persons not be quashed as the offence is serious in nature.

4. Learned counsel for the petitioner submits that the present FIR has been registered due to misunderstanding. He further submits that parties have amicably settled their disputes vide Memorandum of Understanding dated 19.03.2024, a copy of which has been placed on record. In terms of the said settlement, complainant is now left with no claim or grievance against the petitioner.

5. Petitioner, who is present in Court, has been identified by his counsel as well as the I.O./ SI Sahil Gehlawat with HC Parmod PS Cyber Police Station, Dwarka, New Delhi.

6. Petitioner has shown remorse for his conduct and undertakes not to repeat the same in future.

7. Respondent No. 2 states that he has settled the disputes with the petitioner out of his own free will, volition and without any coercion and received all payments. He further states that since he has reached a settlement insofar as the present petitioner is concerned, he has no objection to the quashing of the FIR qua the present petitioner only.

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 qua the present petitioner only. Insofar as the investigation against the remaining accused persons is concerned, the same shall continue.

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

MANOJ KUMAR OHRI, J

JULY 15, 2024/rd