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

+ CRL.M.C. 5408/2024 and CRL.M.A. 20707/2024

JASIM AHMED ANSARI

.....Petitioner

Through: Mr.Md. Arif Hussain, Advocate with
petitioner in person

versus

STATE OF GOVT OF NCT OF DELHI AND ANRRespondents

Through: Mr. Sanjeev Sabharwal, APP for State
with SI Gulab Singh
Respondent No.2 in person

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **18.07.2024**

1. The present petition has been filed seeking quashing of FIR No.34/2018 registered under Sections 420/120B IPC at P.S. Crime Branch on the ground that the parties have amicably settled their disputes.
2. As per the allegations in the FIR, the petitioner is accused of cheating the complainant by facilitating the sale of an article under false pretences.
3. Learned APP for the State submits that in the present case the petitioner is one of the accused persons and respondent No.2 is the only complainant/victim. It is further stated that the FIR against other accused persons namely *Toseef Ahmad*, *Aman Verma* and *Mitesh Kumar Vashisht* has been quashed on 19.09.2018, 06.09.2023 and 06.09.2023 vide W.P.(CRL) 1570/2018, CRL.M.C. 6454/2023 and CRL.M.C. 6450/2023 respectively.



4. Learned counsel for the petitioner submits that the parties have reached at an amicable settlement vide Memorandum of Understanding / Settlement Agreement dated 27.05.2024. In terms of the settlement, respondent No. 2 is now left with no claim or grievance whatsoever against the petitioner.

5. The petitioner, who is present in the Court, has been identified by his counsel and the Investigating Officer. Respondent No.2, who is present in the Court, has also been identified by the Investigating Officer.

6. Respondent No.2 states that he has entered into the aforesaid Memorandum of Understanding / Settlement Agreement out of his own free will, volition and without any coercion. He further states that he has no objection if the present FIR and consequent proceedings are quashed.

7. Learned counsel for the petitioner submits that no other proceedings are pending between the parties.

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

9. 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..."

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 since no useful purpose will be served in continuance of the present criminal 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/- by the petitioner to be deposited with the Delhi State Legal Services Authority (A/c No.: 18580110053263, Bank: UCO BANK, Branch: Rouse Avenue, IFSC: UCBA0003364) within a period of four 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. In case the receipt of payment of cost is not filed within the stipulated time, the I.O. shall be at liberty to move an appropriate application.

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

14. Let a copy of this order be communicated to the Member Secretary, Delhi State Legal Services Authority for information.

MANOJ KUMAR OHRI, J

JULY 18, 2024

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