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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 7741/2023**
LANDMARK APARTMENTS
PVT LTD AND ORS. Petitioners

Through: Mr. Shaurya Lamba and Ms. Rashi Choudhary, Advocates with AR of petitioner No.1 and petitioner Nos.2 to 4 through VC.

versus

STATE NCT OF DELHI AND ANR Respondents

Through: Mr. Ashneet Singh, APP for State with SI Jaibir Malik PS Kapashera, Delhi.
Mr. Puneet Sherawat SPA holder of complainant Smt. Shakuntala Devi through VC.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
24.05.2024

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1. The present proceedings are instituted under Section 482 Cr.P.C. seeking quashing of FIR No. 0400/2019 registered under Section 420 IPC at Police Station Kapashera, Delhi on the ground that the parties have amicably settled their disputes.
2. The allegations in the present FIR related to cheating and misappropriation of funds committed by the petitioners.
3. Mr. Ashneet Singh, learned APP for the State, on instructions, submits that the petitioners are the only accused persons and respondent No.2 is the only complainant/victim.
4. Learned counsel for the petitioners submits that the parties have



amicably settled their disputes vide settlement agreement dated 04.01.2022, In terms of the said settlement, complainant is now left with no claim or grievance against the petitioners.

5. AR of petitioner No.1 and petitioner Nos. 2 to 4 as well as SPA holder of respondent No.2, who have joined the proceedings through VC, have been identified by their respective counsel as well as the I.O./ SI Jaibir Malik PS Kapashera, Delhi..

6. AR of petitioner No.1 and petitioner Nos. 2 to 4 and SPA holder of respondent No. 2 state that the parties have settled their disputes and that the settlement has been entered into out of free will, volition and without any coercion. It is further stated that respondent No.2 has 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:

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...”

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 cumulative cost of Rs.10 lacs by the petitioners, out of which Rs.2.5 lacs shall be deposited with the Delhi State Legal Services Authority (A/c No.: 18580110053263, UCO Bank, Branch: Rouse Avenue, IFSC: UCBA0003364), Rs.2.5 lacs shall be deposited with the Delhi High Court Bar Association Sports Club (A/c No.15530110006412), Rs.2.5 lacs shall be deposited with the Delhi High Court Bar Association Employee Fund and the remaining Rs.2.5 lacs shall be deposited with the Delhi High Court Staff Welfare Fund within a period of four weeks from today. The



amount so deposited with Delhi State Legal Services Authority shall be utilized for providing counselling/psychological support to POCSO victims requiring such assistance.

12. A copy of this order be communicated to the Member Secretary, Delhi State Legal Services Authority for intimation.

13. Proof evidencing receipt of deposit shall be filed with the I.O. In case proof of deposit of cost is not filed within stipulated time, the IO shall be at liberty to move an appropriate application in this regard.

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

MANOJ KUMAR OHRI, J

MAY 24, 2024/rd