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

+ CRL.M.C. 5594/2024 & CRL. MA 21347/2024

SANJEEV KUMAR JHA

.....Petitioner

Through: Mr. Kartickay Mathur and Mr. Shankar, Advocates with petitioner in person.

versus

GOVT. OF NCT OF DELHI & ANR

.....Respondents

Through: Mr. Aashneet Singh, APP for State with SI Deepak PS Barakhamba Road, New Delhi.
Mr. Ajay Kohli, Ms. Dipika Prasad, Advocates with Mr. Sanjay Kumar Sharma AR of respondent No.2.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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23.07.2024

1. The present proceedings are instituted under Section 482 Cr.P.C. on behalf of the petitioner seeking quashing of FIR No. 110/2021 registered under Sections 406/420/467/468/471/120B IPC at Police Station Barakhamba Road, New Delhi on the ground that the parties have amicably settled their disputes.
2. The allegations in the present FIR relate to fraud, forgery and criminal breach of trust/criminal conspiracy.
3. Mr. Aashneet Singh, learned APP for the State, on instructions, submits that the petitioner is the only accused and respondent No.2 is the complainant in the present case.
4. Learned counsel for the petitioner submits that the present FIR has been registered due to misunderstanding. He further submits that during the



pendency of the litigation, the petitioner and respondent No.2 have arrived at a settlement before this Court in proceedings under Section 34 of the Arbitration and Conciliation Act in OMP (Comm.) No. 552/ 2016 and they have dissolved their disputes, which has been recorded in the order dated 18.03.2024. As per the terms of the Settlement Order dated 18.03.2024, it was agreed that the respondent No. 2 had deposited an amount of Rs 1 crore before this Court, which has been deposited in fixed deposit. It was agreed that out of the said amount, an amount of Rs 10 lacs shall be released to the petitioner and balance amount out of Rs 1 Crore along with interest after deduction of TDS shall be released to the respondent No. 2. It was also agreed that respondent No. 2 shall give its no objection to quashing of the present FIR. The no objection certificate filed on behalf of the respondent No.2 has been placed on record.

5. Petitioner and authorized representative (AR) of the respondent No.2, who are present in Court, have been identified by their respective counsels as well as the I.O./ SI Deepak PS Barakhamba Road, New Delhi.

6. Petitioner has shown remorse for his conduct and undertakes not to repeat the same in future. AR of respondent No. 2 also states that respondent No.2 company has settled the disputes with the petitioner out of its 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. The parties shall remain bound by the statements made in Court today.

8. In Parbatbhai Aahir and Others v. State of Gujarat and Another as reported in **(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 as reported in **(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 cost of Rs.5,000/- to be deposited by the petitioner with the Delhi State Legal Services Authority 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.

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

MANOJ KUMAR OHRI, J

JULY 23, 2024/rd