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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 7790/2023**

YUNUS MASSEY @YUNAS MASIH Petitioner
Through: Mr. Ajit Singh, Advocate with
petitioner in person.

versus

THE STATE NCT OF DELHI & ANR. Respondents
Through: Mr. Laksh Khanna, APP for State SI
Vivek Singh, P.S. Sarojini Nagar.
Mr. Ayush Kaushik and Mr. Hem C
Vashisht, Advocates for respondent
No.2 with respondent No.2 in person.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
15.03.2024

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1. The present proceedings are instituted under Section 482 Cr.P.C. on behalf of the petitioner seeking quashing of FIR No. 348/2004 registered under Sections 406/409/420 IPC at P.S. Sarojini Nagar, Delhi qua him on the ground of settlement having been arrived at between him and respondent No.2.
2. The allegations in the present FIR relate to the offence of cheating and misappropriation of money by the petitioner.
3. Mr. Khanna, learned APP for the State, on instructions, submits that the petitioner is the only accused person and respondent No.2 is the complainant/victim in the present case.
4. Learned counsel for the petitioner submits that the petitioner and respondent No. 2 have amicably settled their disputes vide Settlement Deed



dated 01.08.2014, 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 and respondent No.2, who are present in Court, have been identified by his counsel as well as the I.O./ SI Vivek Singh, P.S. Sarojini Nagar. Petitioner has shown remorse for his conduct and undertakes not to repeat the same in future.

6. Respondent No. 2 states that he has settled the disputes with the present petitioner out of his own free will, volition and without any coercion. He has handed over a copy of an affidavit stating therein that he has reached a settlement with nine accused persons including the present petitioner. He further states that at the moment only present petitioner has approached this Court for quashing of the FIR in question and he has no objection if the FIR and consequent proceedings are quashed qua the present petitioner at this stage.

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:

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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 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 against the present petitioner only, subject to payment of cost of Rs.5,000/- to be deposited with the Delhi State Legal Services Authority within a period of four weeks from today. The amount so deposited shall be utilized by the DSLSA for providing counselling/psychological support to POCSO victims requiring such assistance.



It is clarified that the trial proceedings will continue against the other accused persons.

11. Proof evidencing receipt of deposit shall be filed with the I.O. as well as in Court failing which, the Registry shall list the matter in the Court.

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.

MANOJ KUMAR OHRI, J

MARCH 15, 2024

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