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

+ CRL.M.C. 7881/2023

ANUGRI DEVI

..... Petitioner

Through: Mr. Balram, Advocate with petitioner in person

versus

THE STATE (GOVT. OF NCT DELHI) & ORS. Respondents

Through: Mr. Nawal Kishore Jha, APP for State with SI Gurtej Singh and SI Subham
Respondent Nos.2 to 4 in person

+ CRL.M.C. 287/2024

ATTAR SINGH @AMIT & ORS.

..... Petitioners

Through: Mr. Shivam Sharma, Advocate with petitioners in person

versus

THE STATE GOVT. OF NCT DELHI & ORS. Respondents

Through: Mr. Nawal Kishore Jha, APP for State with SI Gurtej Singh and SI Subham
Respondent Nos.2 to 4 in person

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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27.03.2024

1. The present petitions have been filed under Section 482 Cr.P.C. seeking quashing of FIR No.48/2023 registered under Sections 448/511/420/468/471/34/120B IPC at P.S. Jaffarpur Kalan on the ground that the parties have amicably settled their disputes.
2. As per the allegations levelled in the FIR, the petitioners created



certain fake and forged documents in order to acquire certain property belonging to respondent Nos. 2 to 4.

3. Learned APP for the State submits that in the present case the petitioners are the only accused person and respondent Nos.2 to 4 are the only complainants/victims.

4. Learned counsels for the petitioners submit that the parties have reached an amicable settlement vide Memorandum of Settlements dated 04.08.2023 and 07.10.2023. In terms of the settlement, respondent Nos. 2 to 4 are now left with no claim whatsoever against the petitioners.

5. The petitioners, who are present in the Court, have been identified by their counsels and the Investigating Officer. Respondent Nos. 2 to 4, who are also present in the Court, have been identified by the Investigating Officer.

6. Respondent Nos. 2 to 4 state that they have entered into the aforesaid memorandum of settlements out of their own free will, volition and without any coercion. They further state that they have no objection if the present FIR and consequent proceedings are quashed.

7. Learned counsels for the petitioners submit 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 each petitioner 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 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 Investigating Officer as well as in Court.

13. With the above directions, the petitions are disposed of.

14. The petitioners shall be at liberty to approach the Trial Court to take steps in terms of the settlement.

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

16. The Registry shall list the matter before this Court in case receipt of costs to be paid by the petitioners is not filed within the stipulated time period.

MANOJ KUMAR OHRI, J

MARCH 27, 2024

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