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

+ CRL.M.C. 5843/2024

MOHD. SHAHID @ MUNNA

.....Petitioner

Through: Ms. Parul Agarwal, Advocate with
petitioner.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Laksh Khanna, APP for State
with Insp. Balmukund, PS Chandni
Mahal.

Mr. P.K. Rawal and Mr. Akhil Singh,
Advs. for R-2 with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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04.10.2024

1. The present proceedings are instituted under Section 582 of Bhartiya Nagrik Suraksha Sanhita (BNSS), 2023 on behalf of the petitioner seeking quashing of FIR No. 191/2022 registered under Sections 448/453/380/420/467/468/471/120B/34 IPC at Police Station Chandni Mahal, Delhi on the ground that the parties have amicably settled their disputes.
2. As per the allegations levelled in the FIR, the petitioner has illegally taken possession of the shops owned by respondent No.2.
3. Learned counsel for the respondent No.2 submits that the complainant's shop remained under petitioner's possession for a period of about 02 years 02 months and during which the petitioner also rented out the same. At this stage, learned counsel for the petitioner, on instructions of the



petitioner states that the petitioner is ready and willing to compensate respondent No.2 by volunteering to pay a sum of Rs.1,00,000/- within a period of two weeks.

4. 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. He further states that since the State machinery has been put in use, the petitioners be saddled with some costs.

5. Learned counsel for the petitioner submits that the petitioner and respondent No.2 are related to each other and present FIR has been registered due to some misunderstanding. He further submits that the parties have amicably settled their disputes vide Memorandum of Understanding (MoU) dated 23.07.2024, a copy of which has also been placed on record. In terms of the said settlement, respondent No.2 is now left with no claim or grievance against the petitioner.

6. Petitioner and respondent No.2, who are present in Court, have been identified by their respective counsels as well as by the I.O./ Insp. Balmukund, P.S. Chandni Mahal.

7. Petitioner has shown remorse for his conduct and undertakes not to repeat the same in future. Respondent No.2 also states that he has settled the disputes with the petitioner 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.

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 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.10,000/- to be deposited by the petitioner with the Delhi State Legal Services Authority(Account No.18580110053263, UCO Bank, Branch Rouse Avenue, IFSC: UCBA0003364) 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.

12. Proof evidencing receipt of deposit shall be filed with the I.O.

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

14. With the above directions, the petition is disposed of alongwith miscellaneous application.

15. In case the proof of cost is not filed within two weeks, the IO shall be at liberty to move an appropriate application in this regard.

MANOJ KUMAR OHRI, J

OCTOBER 4, 2024

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