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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 5861/2024, CRL.M.A. 22401/2024**

SURESH

.....Petitioner

Through: Ms. Savdamini Sharma, Mr. Raj Kumar Maurya and Mr. Samrat Paricha, Advocates with petitioner in person.

versus

GOVT OF NCT OF DELHI & ANR.

....Respondents

Through: Mr. Aashneet Singh, ASC for State with Mr. Sahil Arora, Mr. Vishwajeet Singh, Ms. Ritu Kapoor, Mr. Vijay Pratap Singh and Ms. Priyanka Mishra, Advocates alongwith SI Manoj, P.S. Vasant Kunj South. Mr. Anil Rakhba, Advocate for respondent No.2 with respondent No.2 in persons.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

31.07.2024

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1. The present proceedings are instituted on behalf of the petitioner seeking quashing of FIR No. 0115/2020 registered under Sections 420/468/471/34 IPC at P.S. Vasant Kunj, South on the ground that the parties have amicably settled their disputes.
2. The allegations in the present FIR relate to fraud and forgery with respect to the transfer of property.
3. Mr. Singh, learned APP for the State, on instructions, submits that though the FIR was registered against two persons i.e. present petitioner and



her father namely *Kanwal Singh*, however, her father has since expired on 20.07.2017. He further submits that present FIR is pending investigation.

4. Learned counsel for the petitioner submits that the petitioner and respondent No. 2 have amicably settled their disputes vide Settlement Deed dated 19.07.2024, a copy of which has been placed on record. In terms of the settlement, petitioner shall pay a sum of Rs.27 lacs to the respondent No.2 towards all her claims against the petitioner. It is submitted that out of the total settled amount, a sum of Rs.13.50 lacs has already been paid and balance amount of Rs.13.50 is being paid today through two demand drafts bearing No. 854730 dated 30.07.2024 for Rs.6.70 lacs and 854728 dated 29.07.2024 for Rs. 6.80 both drawn on Punjab National Bank, Narela Road, Ghevera, Delhi-110081. In terms of the said settlement, complainant/respondent No.2 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 their respective counsel as well as the I.O./SI Manoj, P.S. Vasant Kunj South. Petitioner has shown remorse for her conduct and undertakes not to repeat the same in future.

6. Respondent No. 2 states that she has settled the disputes with the petitioner out of her own free will, volition and without any coercion. She also acknowledges the entire settled amount and submits that she has no objection if the present FIR and consequent proceedings are quashed, subject to encashment of aforesaid two demand drafts of Rs.13.50 lacs.

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, subject to encashment of aforesaid two demand drafts totalling Rs.13.50 lacs.

11. With the above directions, the petition is disposed of alongwith pending application.

MANOJ KUMAR OHRI, J

JULY 31, 2024

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