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

+ **CRL.M.C. 8338/2023 & CRL.M.A. 31047/2023**

KAMLESH KUMAR JHA & ORS. Petitioners

Through: Mr. Sunil Sethi, Mr. B.C. Mishra and
Mr. Sumeet Kaur, Advocates with
petitioners in person.

versus

**CENTRAL BUREAU OF
INVESTIGATION & ANR.**

.... Respondents

Through: Mr. Prasanta Varma, SPP for CBI
with Mr. Pankaj Kumar, Advocate.
Mr. Nitin Sharma, Advocate for AR
of respondent No.2 with AR of
respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

04.03.2024

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1. The present proceedings are instituted under Section 482 Cr.P.C. on behalf of the petitioners seeking quashing of RC No. CY1 2009 E 0006 registered by the CBI under Sections 405/418/420/486/489/34/120B IPC, Section 63 of the Copyright Act and Section 66B of the IT Act on the ground that the parties have amicably settled their disputes.
2. The allegations in the present FIR pertain to counterfeiting and piracy of the complainant's software products at the hands of the petitioners.
3. Mr. Prasanta Varma, SPP for CBI, on instructions, submits that the petitioners are the only accused persons and respondent No.2 is the complainant/victim in the present case.
4. Learned counsel for the petitioners submits that the petitioners and respondent No. 2 have settled their disputes before Delhi High Court



Mediation & Conciliation Centre vide Settlement Agreement dated 29.05.2023. He further states that in terms of the said settlement, the Suit being CS(COMM) 1167/2016 which was filed by the respondent No.2 on the same premise has also been decreed in terms of the settlement arrived at between the parties. A copy of the order dated 10.07.2023 passed in CS(COMM) 1167/2016 has been handed over today in the Court which is placed on record. He further states that in terms of the said settlement, complainant/respondent No.2 is now left with no claim or grievance against the petitioners.

5. Petitioners and AR of respondent No.2, who are present in Court, have been identified by their respective counsels.

6. Petitioners have shown remorse for their conduct and undertake not to repeat the same in future. AR of respondent No. 2 also states that he has settled the disputes with the petitioners 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.

7. The parties shall remain bound by the statements made in Court today.

8. In ParbatbhaiAahir 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:

xxx

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 payment of cumulative cost of Rs.1,00,000/- to be deposited by the petitioners 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. as well as in 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 alongwith miscellaneous application.

14. In case proof of deposit of cost is not filed within two weeks, the matter be placed before the Court.

MANOJ KUMAR OHRI, J

MARCH 4, 2024/*rd*