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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 8650/2023**

AFZAL AFGAN & ANR.

..... Petitioners

Through: Mr. Chandan Bhatia and Mr. Sachin Kumar, Advocates (through V.C.) for petitioner No.1 with petitioner No.1 in person.
Mr. Sahil Yadav, Advocate for petitioner No.2 with petitioner No.2 in person.

versus

STATE NCT OF DELHI AND ANR. & ORS. Respondents

Through: Mr. Aashneet Singh, APP for State with SI Gajender, P.S. Punjabi Bagh. Respondent No. 3 in person.

AND

69. **CRL.M.C. 8911/2023, CRL.M.A. 33307/2023, CRL.M.A. 33308/2023**

RAHUL SRIVASTAVA

..... Petitioner

Through: Mr. Vishal Kumar, Advocate with petitioner in person.

versus

STATE NCT OF DELHI AND ORS Respondents

Through: Mr. Aashneet Singh, APP for State with SI Gajender, P.S. Punjabi Bagh. Respondent No. 2 in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

15.05.2024

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CRL.M.A. 10083/2024 in CRL.M.C. 8650/2023

1. By way of present application filed under Section 482 Cr.P.C., the



petitioners seek early hearing of the petition on the ground that a settlement has been arrived at between the parties.

2. Issue notice. Learned APP for the State accepts notice.
3. In view of the averments made in the application, the same is allowed and the petition is taken up for hearing today. Date already fixed i.e. 24.07.2024 stands cancelled.
4. Application is disposed of.

CRL.M.C. 8650/2023

CRL.M.C. 8911/2023, CRL.M.A. 33307/2023, CRL.M.A. 33308/2023

1. By way of the above-noted petitions filed under Section 482 Cr.P.C., the petitioners seek quashing of FIR No. 630/2022 registered under Sections 409/467/471/420/120B IPC at P.S. Punjabi Bagh, Delhi on the ground that the parties have amicably settled their disputes.
2. As per the allegations levelled in the FIR, the petitioners alongwith few others cheated the complainant *Anand Yadav*.
3. Mr. Singh learned APP for the State, on instructions, submits that apart from the present petitioners namely *Afzal Afgan, Ravi Kumar and Rahul Srivastava*, there are other accused persons as well. He further submits that respondent No.2/*Anand Yadav* is the complainant, who has since expired.
4. It is informed that the complainant has since expired and is survived by his legal heirs i.e. wife, two sons and one daughter. The legal heirs of the complainant have executed a Special Power of Attorney in favour of Mr.Sumit Yadav, one of the sons of the deceased, who is also representing them in the present proceedings.
5. Learned counsels for the petitioners submit that parties have amicably



settled their disputes out of Court, which factum also finds mentioned in the order dated 21.10.2023 passed by Ld. M.M., Tis Hazari Court. It is further stated that in terms of the settlement, the petitioners had agreed to pay a total sum of Rs.32.50 lacs towards full and final settlement of all his claims. Out of the total settlement amount, the balance amount of Rs.16.25 has been paid today through three demand drafts which are in favour of the deceased complainant's wife namely Anita Yadav. Copies of the said demand drafts have been placed on record. In terms of the settlement, there is no claim or grievance left against the petitioners.

5. Petitioners, who are present in Court, have been identified by their counsels as well as the I.O./SI Gajender, P.S. Punbai Bagh. Deceased's wife, namely *Anita Yadav*, who has joined the proceedings through V.C., and *Mr. Sumit Yadav*, who is present in Court, have been identified by the I.O.

6. Petitioners have shown remorse for the entire incident and undertake not to repeat the same in future. *Anita Yadav* and *Mr. Sumit Yadav* state that they have no objection if the present FIR is quashed, subject to encasement of aforesaid demand drafts which have been handed over today.

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 qua the aforementioned petitioners only, subject to encashment of aforesaid demand drafts totalling to Rs.16.25 lacs and further subject to cost of Rs.1,00,000/- (Rupees One Lac Only) to be deposited by each of the



aforementioned petitioners with the Delhi State Legal Services Authority (A/c No. 18580110053263, UCO Bank, Branch: Rouse Avenue, IFSC: UCBA0003364) 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. The trial shall continue in respect of other accused persons.

11. Proof evidencing receipt of deposit shall be filed with the I.O. failing which, I.O. shall be at liberty to move appropriate application.

12. With the above directions, both the petition are disposed of alongwith miscellaneous applications.

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

MANOJ KUMAR OHRI, J

MAY 15, 2024

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