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

+ **CRL.M.C. 6108/2024**

RAJINDER KUMAR SAVAILAL AND ORSPetitioners

Through: Mr.Firasat Ali Siddiqui and Mr.Arvind Kumar, Advocates with petitioners in person

versus

STATE NCT OF DELHI AND ANRRespondents

Through: Mr. Aashneet Singh, APP for State with Mr. Sahil Arora, Mr. Vishwajeet Singh, Ms. Ritu Kapoor Arora, Mr. Vijay Pratap Singh, Ms.Priyanka Mishra, Advocates with Insp. Yogesh Kumar with Insp Yogesh & SI Sanjeev (Mob. No.8383086473)

Respondent No.2 in person

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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26.09.2024

CRL.M.A. 23375/2024 (delay in re-filing)

1. By way of present application, the petitioners seek condonation of delay of 107 days in re-filing the petition.
2. For the reasons stated in the application, the same is allowed and the delay of 107 days in re-filing the petition is condoned.
3. In view of the above, the application is disposed of.

CRL.M.C. 6108/2024

1. The present petition has been filed seeking quashing of FIR No.382/2011 registered under Sections 419/420/468/471/109/120B/34 IPC at P.S. Kalkaji, New Delhi on the ground that the parties have amicably settled their disputes.
2. As per the allegations in the FIR, the petitioners had cheated the



respondent No.2 out of more than Rs 22 lacs by selling him fake licorice root seeds.

3. Learned counsel for the petitioners submits that though the FIR was registered under Sections 420/34 IPC, the chargesheet was filed against 5 accused persons under Sections 419/420/467/468/471/109/120B/34 IPC. He submits that the trial court has discharged two accused persons namely, *Manoj Kumar* and *Karamvir* and the charges have been framed against the present petitioners only under Sections 419/420/468/471/109/120B/34 IPC.

4. Learned APP for the State, on instructions from the I.O., also confirms the aforesaid position and submits that in the present case the petitioners are the accused persons and respondent No.2 is the complainant/victim. He further submits that though the parties have compromised, some cost may be imposed upon the petitioners, since the State machinery has been put in motion.

5. Learned counsel for the petitioners submits that the parties have settled their disputes out of Court and a statement in this regard has been recorded on 10.01.2023 before learned Judicial Magistrate, South East, Saket Court, New Delhi to the effect that the respondent No.2 has received the payment and has amicably settled the matter with the petitioners. In terms of the settlement, respondent No.2 is now left with no claim or grievance whatsoever against the petitioners.

6. The petitioners, who are present in the Court, have been identified by their counsel and the Investigating Officer. Respondent No.2, who is present in the Court, has also been identified by the Investigating Officer.

7. Respondent No.2 states that he has entered into the aforesaid settlement and recorded his statement before the learned Trial Court on



10.01.2023 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. Learned counsel for the petitioners submits that no other proceedings are pending between the parties.

9. The parties shall remain bound by the statements and undertaking made in Court today.

10. 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:

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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...”

11. 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;”

12. 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.5,000/- by each petitioner to be deposited with the Delhi State Legal Services Authority (A/c No.: 18580110053263, Bank: 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.

13. Proof evidencing receipt of deposit shall be filed with the I.O. In case the receipt of payment of cost is not filed within the stipulated time, the I.O. shall be at liberty to move an appropriate application.

14. With the above directions, the petition is disposed of.

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

MANOJ KUMAR OHRI, J

SEPTEMBER 26, 2024

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