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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **CRL.M.C. 8860/2023, CRL.M.A. 33053/2023**

**OM PRAKASH GODARA**

..... Petitioner

Through: Mr. D.N. Ray, Sr. Advocate with Mr.  
Dillip Kumar Nayak, Ms. Sumita Ray  
and Ms. Disha Ray, Advocates with  
petitioner in person.

versus

**THE STATE OF NCT OF DELHI & ANR.**

..... Respondents

Through: Mr. Aashneet Singh, APP for State  
with SI Arvind Kumar, P.S. EOW.  
Mr. Vibhor Verdhan, Advocate for  
respondent No.2 with respondent  
No.2 in person through V.C.

**CORAM:**

**HON'BLE MR. JUSTICE MANOJ KUMAR OHRI**

**ORDER**  
**29.04.2024**

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1. The present proceedings are instituted under Section 482 Cr.P.C. on behalf of the petitioner seeking quashing of FIR No. 0048/2021 registered under Sections 420/406 IPC at PS EOW 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 transfer of a property.
3. Mr. Singh, 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 submits that charge-sheet has been filed in the present case under the aforesaid provisions. He prays



that heavy cost be imposed upon the petitioner as the state machinery has been used.

4. Learned counsel for the petitioner submits that the petitioner and respondent No. 2 have amicably settled their disputes before the *Samadhan*, Delhi High Court Mediation & Conciliation Centre on 22.03.2024, a report in this regard has also been received. In terms of the settlement, petitioner shall pay a sum of Rs.1.75 crores to the respondent No.2/complainant, as full and final settlement, towards all his claims. It is submitted that out of the total settled amount, a sum of Rs.1 crore has already been paid to respondent No.2 and balance amount of Rs.75 lacs is paid today through a demand draft, photocopy whereof has been placed on record. In terms of the settlement, complainant is now left with no claim or grievance against the petitioner.

5. Petitioner, who is present in Court, has been identified by his counsel as well as the I.O./SI Arvind Kumar, P.S. EOW. Petitioner has shown remorse for his conduct and undertakes not to repeat the same in future.

6. Respondent No. 2, who has joined the proceedings through V.C., has been identified by his counsel as well as I.O. He states that he has settled the disputes with the petitioner out of his own free will, volition and without any coercion. He also acknowledges the receipt of entire settled amount and has no objection if the present FIR and the consequent proceedings, emanating therefrom, are quashed, subject to encashment of Rs.75 lacs handed over to him 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:*

*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 encashment of aforesaid demand draft of Rs.75 lacs by the respondent No.2 and subject to cost of Rs.5 lacs 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 four weeks from today. The amount so deposited shall be utilized by the DSLSA for providing counselling/psychological support to POCSO victims requiring such assistance.

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

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.

**MANOJ KUMAR OHRI, J**

**APRIL 29, 2024**

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