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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 6237/2024**

VIPUL MAHESHWARI & ANR.

.....Petitioners

Through: Ms. Aditi Tomar, Ms. Aayushi
Dhawan and Mr. Shivansh Dixit,
Advocates with petitioners in person.

versus

**STATE OF NCT OF DELHI THROUGH SHO
& ANR.**

.....Respondents

Through: Mr. Laksh Khanna, APP for State
with SI Yogesh Kumar, P.S. K.M.
Pur.
Mr. Hemant Gupta, Advocate for
respondent No.2 alongwith
respondent No.2 in person through
V.C.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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19.09.2024

1. The present proceedings are instituted under Section 528 of BNS, 2023 on behalf of the petitioners seeking quashing of FIR No. 0029/2020 registered under Sections 420 IPC at P.S. K.M. Pur, Delhi 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 property.
3. Ld. APP for the State, on instructions, submits that the petitioners are the only accused persons and respondent No.2 is the complainant/victim in the present case. He further, submits that though the parties have



compromised, however, since the State machinery has been put in motion and the allegations were of grave nature, some cost may be imposed upon the petitioners.

4. Learned counsel for the petitioners submits that the petitioners and respondent No. 2 have amicably settled their disputes vide Settlement Agreement dated 09.07.2024, a copy of which has also been placed on record.

5. Petitioners and respondent No.2, who are present in Court/through V.C., have been identified by their respective counsels as well as the I.O./ SI Yogesh Kumar, P.S. K.M. Pur, Delhi. Petitioners have shown remorse for their conduct and undertake not to repeat the same in future.

6. Respondent No. 2 states that he has settled the disputes with the petitioners out of his own free will, volition and without any coercion. He also acknowledges receipt of entire settled amount of Rs.48.50 lacs. He 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 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 payment of cumulative cost of Rs.10,000/- to be deposited by each of the 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 DSLSA for providing counselling/psychological support to POCSO victims requiring such assistance.

11. Proof evidencing receipt of deposit shall be filed with the concerned 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.

MANOJ KUMAR OHRI, J

SEPTEMBER 19, 2024

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