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

+ **CRL.M.C. 6267/2024**

ARUN KUMAR AND ORS

.....Petitioners

Through: Mr. Vishal Singh, Mr. Pratap Prithendra Kumar and Mr. Sandeep Lamba, Advocates with petitioners in person.

versus

THE STATE GOVT. OF NCT DELHI AND ANRRespondents

Through: Mr. Laksh Khanna, APP for State with SI Sonu Kumar, PS Okhla Indl. Area.
Mr. R.R. Choudhary, Adv. for R-2 with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

24.09.2024

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1. By way of present petition, the petitioners seek quashing of FIR No. 205/2010 registered under Sections 420/467/468/471/120B IPC at Police Station Okhla Industrial Area, Delhi on the ground that the parties have amicably settled their disputes.
2. As per the allegations levelled in the FIR, the petitioners embezzled subject cheques issued in favour of respondent No.2/company by opening fictitious accounts in the bank in order to cause wrongful gains to themselves.
3. Learned 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 charge-sheet has been filed in the



present FIR. He also submits that though the parties have compromised, some costs may be imposed upon the petitioners since the State machinery has been put in motion and the allegations are of grave nature.

4. Learned counsel for the petitioners submits that the parties have amicably settled their disputes vide Deed of Settlement/Compromise dated 15.03.2024, a copy of which has been placed on record. It is further submitted that the respondent No.2/complainant has received the entire cheated amount and in terms of the said settlement, the complainant is now left with no claim or grievance against the petitioners.

5. Petitioners and respondent No.2, who are present in Court, have been identified by their respective counsel as well as the I.O./SI Sonu Kumar, P.S. Okhla Industrial Area.

6. Petitioners have shown remorse for their conduct and undertake not to repeat the same in future. 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 and undertaking 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.

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

MANOJ KUMAR OHRI, J

SEPTEMBER 24, 2024/akc