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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 6390/2024, CRL.M.A. 24432/2024 and
CRL.M.A. 24433/2024

SH RAKESH WADHAWAN & ORS.Petitioners

Through: Mr.Arvind Sharma, Advocate with
petitioners in person

versus

STATE OF NCT OF DELHI & ORS.Respondents

Through: Mr. Aashneet Singh, APP for State
with Insp. Abhishek, P.S. EOW.
Respondent Nos.2 and 3 in person
through V.C.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
20.08.2024

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1. The present petition has been filed seeking quashing of FIR No.124/2019 registered under Sections 420/467/468/471/120B IPC at P.S. EOW, Delhi on the ground that the parties have amicably settled their disputes.
2. As per the allegations in the FIR, there was a property dispute between the parties in which forged documents were alleged to have been made.
3. Learned APP for the State submits that in the present case the petitioners are the only accused persons and respondent Nos.2 and 3 are the only complainants/victims. He further submits that though the parties have compromised, however, since the State machinery has been put in motion, therefore, some cost may be imposed upon the petitioners.



4. Learned counsel for the petitioners submits that the parties have settled their disputes on 20.12.2023 before Additional District Judge-03, Central District, Tis Hazari Courts, Delhi. In terms of the settlement, respondent Nos.2 and 3 are now left with no claim or grievance whatsoever against the petitioners.
5. The petitioners, who are present in the Court, have been identified by their counsel and the Investigating Officer. Respondent Nos.2 and 3, who have joined the proceedings through V.C., have also been identified by the Investigating Officer.
6. Respondent Nos.2 and 3 state that they have entered into the aforesaid mediation settlement out of their own free will, volition and without any coercion. They further state that they have no objection if the present FIR and consequent proceedings are quashed.
7. Learned counsel for the petitioners submits that no other proceedings are pending between the parties.
8. The parties shall remain bound by the statements made in Court today.
9. 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...”

10. 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;”

11. 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 composite cost of Rs.10,000/- 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.

12. 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.

13. With the above directions, the petition is disposed of alongwith the pending applications.

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

DASTI.

MANOJ KUMAR OHRI, J

AUGUST 20, 2024

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