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

+ **CRL.M.C. 9120/2023**

ROHITT WASSAN & ORS

..... Petitioners

Through: Mr. Karan Malhotra, Advocate with
petitioners through VC.

versus

STATE OF NATIONAL CAPITAL TERRITORY OF DELHI

THROUGH SHO & ANR

..... Respondents

Through: Mr. Sanjeev Sabharwal, APP for State
with Inspector Chetan Mandia PS
EOW.

Mr. Abhishek Iyer, Advocate for
respondent No.2 with respondent
No.2 in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

22.01.2024

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CRL.M.A. 2031/2024 E.H. by P

1. [By way of present application filed under section 482 Cr.P.C., the
petitioners seek early hearing of the present petition.

2. Issue Notice.

3. Learned APP for the State and learned counsel for respondent No.2
accept notice and state that they have no objection to the prayer made in the
application.

4. For the reasons stated in the application and in view of the no
objection, the same is allowed and disposed of accordingly.

CRL.M.C. 9120/2023

1. With the consent of parties, the matter is taken up for hearing.

2. The present petition has been filed under Section 482 Cr.P.C. seeking
quashing of FIR No. 147/2022 registered under Sections 409/420/120B IPC



at P.S. Economic Offences Wing, New Delhi, on the ground that the parties have amicably settled their disputes.

3. The present FIR has been lodged at the instance of the complainant/respondent No. 2 against the petitioners alleging cheating, fraud and falsification of account on their part.

4. Learned APP for the State, on instructions, submits that the petitioners are the only accused persons and respondent Nos. 2 is the only complainant/victim.

5. Learned counsel for the parties have settled their disputes and in terms of the Share Purchase Agreement dated 27.06.2023, the parties have decided to withdraw the present matter. In terms of the settlement, respondent No. 2 is now left with no claim whatsoever against the present petitioners.

6. Petitioners, who have joined the proceedings through VC and respondent No. 2, who is present in person, are identified by their counsels as well as the Investigating Officer/ Inspector Chetan Mandia PS EOW.

7. Respondent No. 2 states that he has entered into the aforesaid settlement 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 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:

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... ”

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 proceedings, it is directed that the aforesaid FIR is hereby quashed, subject to payment of cost of Rs.5,00,000/- to be deposited by the petitioners with the Delhi State Legal Services Authority 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. as well as in Court.

14. A copy of this order be communicated to the Member Secretary, Delhi State Legal Services Authority for intimation.

15. With the above directions, the petition is disposed of alongwith miscellaneous application.

16. The Registry shall list the matter before this Court in case receipt of costs to be paid by the petitioner is not filed within the stipulated time period.

17. The already scheduled date of 16.02.2024 stands cancelled.

MANOJ KUMAR OHRI, J

JANUARY 22, 2024/rd