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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 6581/2024
SH. AMARPALPetitioner

Through: Mr. Nitish Gupta, Advocate.

versus

THE STATE (NCT OF DELHI) & ANR.Respondent
Through: Mr. Shoaib Haider, APP for the
State.
SI Arun Kumar, SIU/SD with Mr.
Anil Kumar, complainant.
Mr. Saurabh Gupta, Advocate for
R2.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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07.10.2024

1. The present proceedings are instituted on behalf of the petitioner seeking quashing of FIR No. 298/2012 registered under Sections 420/448/468/471/120B/34 IPC at Police Station Sangam Vihar, Delhi on the ground that the parties have amicably settled their disputes.
2. As per the allegations levelled in the FIR, the petitioner has illegally taken possession of respondent No.2's property.
3. Learned APP for state, on instructions, submits that the petitioner is one of the accused persons and respondent No.2 is the complainant/victim in the present case. He further states that the charge-sheet has also been filed in the present case.
4. Learned counsel for the petitioner states that the present petition has been preferred qua the present petitioner only while the other co-accused, namely, *Neeru Sharma* has declined to join the petitioner in the present proceedings and the third co-accused namely, *Praveen Kumar*, has been declared proclaimed offender. It further submitted that the parties have settled their dispute before the Mediation Centre, Saket



Courts, New Delhi vide settlement dated 26.09.2019.

5. Learned Counsel for Respondent No.2 states that Respondent No.2 has reached a settlement with the present petitioner and in pursuance of which the petitioner has also received a sum of Rs.2 lacs as full and final settlement qua the present petitioner.

6. Petitioner, who is present in Court, has been duly identified by his counsel as well as the I.O./SI Arun Kumar P.S. Sangam Vihar, Delhi. Respondent No.2, who is also present in the Court, has been identified by his counsel as well as by the concerned Investigating Officer.

7. Petitioner has shown remorse for his conduct and undertakes not to repeat the same in future. Respondent No.2 also states that he has settled the disputes with the present petitioner 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 against the present petitioner.

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 qua the present petitioner.

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

MANOJ KUMAR OHRI, J

OCTOBER 7, 2024

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