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

+ **CRL.M.C. 6669/2024**

RAMESH GUPTA

.....Petitioner

Through: Mr. Siddharth Mullick, Advocate
with petitioner in person.

versus

THE STATE NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Nawal Kishore Jha, APP for State
with SI Prem PS K.N. Katju Marg,
New Delhi.

Mr. Sahib Singh Mehandru, Mr
Siddhant Rai Sethi and Mr. Saurabh,
Advocates for respondent no.2 with
respondent no.2 in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

02.09.2024

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1. The present proceedings are instituted on behalf of the petitioner seeking quashing of FIR No. 826/2014 registered under Sections 468/471/420 IPC at Police Station K.N. Katju Marg, New Delhi on the ground that the parties have amicably settled their disputes.
2. As per the allegations in the FIR, the petitioner took earnest money from the respondent No.1 for sale of property on the basis of forged documents and failed to execute the same.
3. Mr. Nawal Kishore Jha, learned APP for the State, on instructions, submits that the petitioner is the only accused and respondent No.2 is the complainant/victim in the present case.
4. Learned counsel for the petitioner submits that the present FIR has



been registered on account of some misunderstanding. He further submits that parties have amicably settled their disputes vide Settlement Agreement dated 01.08.2024, a copy whereof has been placed on record. In terms of the said settlement, complainant/respondent no.2 is now left with no claim or grievance against the petitioner. He further states that in terms of the settlement, a sum of Rs.7 lacs has been paid today by the petitioner to the respondent no.2 by way of demand draft bearing number 000009 dated 27.08.2024 drawn on Equitas Small Finance Bank.

5. Petitioner and respondent No.2, who are present in Court, have been identified by their respective counsel as well as the I.O.

6. 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 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.

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 encashment of aforesaid demand draft of Rs.7 lacs.

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

MANOJ KUMAR OHRI, J

SEPTEMBER 2, 2024/rd