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

+ CRL.M.C. 9413/2023 & CRL. M.A. 35226/2023

JAI PRAKASH CHHIKARA & ANR. Petitioners

Through: Mr. Kamal Sethi, Advocate.

versus

THE STATE (NCT OF DELHI) & ANR. Respondents

Through: Mr. Sanjeev Sabharwal, APP for State
alongwith SI Vikash P.S. Najafgarh.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

08.05.2024

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1. The present petition has been filed under Article 227 of the Constitution of India read with Section 482 Cr.P.C. seeking quashing of FIR No.64/2023 registered for the offences punishable under Sections 420/468/471/389/506/34 IPC at P.S. Najafgarh on the ground that the parties have amicably settled their disputes.

2. The allegations in the present FIR are that the petitioners with an alleged intention to cheat the complainant mentioned the wrong details of the plot numbers in all sale documents executed in favour of the complainant.

3. Learned APP for the State submits that in the present case the petitioners are the only accused and respondent No.2 is the complainant/victim.



4. Learned counsel for the petitioners submits that the parties have reached an amicable settlement vide Mediation Settlement dated 29.11.2023. In terms of the settlement, respondent no. 2 is now left with no claim whatsoever against the petitioners.

5. The petitioners, who are present in the Court, have been identified by their counsel and the Investigating Officer. Respondent No. 2, who is also present in the Court, has been identified by the Investigating Officer.

6. Respondent No.2 states that she has entered into the aforesaid Mediation Settlement out of her own free will, volition and without any coercion. She further states that she has 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 against the present petitioners only, subject to payment of cost of Rs.10,000/- each by the petitioners 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 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.

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

MANOJ KUMAR OHRI, J

MAY 08, 2024/ssc