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

+ CRL.M.C. 7188/2024, CRL.M.A. 27459/2024

PANKAJ YADAV

.....Petitioner

versus

STATE OF NCT OF DELHI AND ORS.

.....Respondents

+ CRL.M.C. 7225/2024, CRL.M.A. 27610/2024

PANKAJ YADAV

.....Petitioner

versus

STATE OF NCT OF DELHI AND ANR.

.....Respondents

Present: Mr. Milind P. Singh and Mr. Jitender Kumar, Advs. for petitioner with petitioner in person.
Ms. Kiran Bairwa, APP for the State with SI Bijender Singh, PS New Ashok Nagar
Mr. Vijay Arora and Mr. Karanjeet Singh, Advs. for the complainant with the complainant in person.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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11.09.2024

CRL.M.A. 27459/2024 in CRL.M.C. 7188/2024
CRL.M.A. 27610/2024 in CRL.M.C. 7225/2024
(exemption)

Exemptions allowed, subject to all just exceptions.

The applications stand disposed of.

CRL.M.C. 7188/2024 & CRL.M.C. 7225/2024



1. The present petitions have been filed for quashing of two FIRs i.e. FIR No.543 dated 19.10.2016 registered under Section 354(D)/509/506/323 IPC and FIR No.1150 dated 25.08.2015 registered under Section 509/507/506 IPC, both registered at PS New Ashok Nagar. Parties in both the FIRs, i.e., the complainant and the accused persons are the same.
2. Briefly stated, the facts on record reveal that both the parties had worked for the same company and there some disputes with regards to the monetary transaction arose in between them which led to the registration of the present FIRs. The matter was referred for mediation by the learned trial court to the Delhi Mediation Centre, Karkardooma Courts. The parties vide proceedings dated 20.05.2024 recorded the settlement between them regarding the compoundable offences on the following terms and conditions:

i. Being acquainted with each other for working for the same company, the parties state that they have on their own volition, without any coercion or compulsion, willingly and voluntarily have buried their differences and wish to accord a quietus to their disputes. Thus, the complainant has amicably rt settled the present matters with the respondent for a total sum of Rs.2,50,000/- (Rs. Two Lakhs Fifty Thousand only) towards full and final settlement.

ii. It is agreed between the parties that the respondent shall pay Rs.50,000/- (Rs. Fifty Thousand only) to the complainant by way of DD before the court concerned on 06.06.2024 and on receipt thereof, the complainant shall cooperate with the respondent in compounding of offences under Section 509/506/323 IPC (in matter no. 1) & compounding of offences under Sections 509/506 IPC (in matter no. 2).



3. Further, for the non-compoundable offences also the parties have settled the matter on the following terms and conditions:
 - i. It is submitted and agreed upon between the parties that they shall seek appropriate relief by way of quashing petitions under section 482 Cr.P.C within 30 working days from the date of receipt of first instalment of the settled amount i.e. 06.06.2024, as agreed herein above.*
 - ii. It is further agreed between the parties that the payment of the remaining settled amount of Rs.2,00,000/- (Rs. Two Lakhs only) by way of DD is payable by the respondent to the complainant in case of quashing of instant FIRs, and thus, payment of this amount Rs.2,00,000/- (Rs. Two Lakhs only) to the complainant is subject to outcome of quashing petitions.*
 - iii. The parties have agreed that the present settlement is subject to aforesaid legal position regarding its enforceability as explained hereinabove.*
4. The payment of the remaining settlement amount of Rs.2 lakhs has been made in cash to the complainant. The complainant states that she has settled the matter without any fear, force or coercion. Complainant as well as the petitioners are present in person. The IO has identified the parties.
5. Both the parties submit that it was basically a dispute regarding monetary settlement between the parties and due to heated argument in between the parties and in haste it was given a criminal nature.
6. Learned A.P.P. for the State submits that as per the Investigating Officer, there is no other dispute between the parties.
7. Since the parties have settled all the disputes amicably, in the interest of justice it would be better to put a quietus to the dispute. The chances of conviction would also be bleak and remote, given that the parties do not wish to pursue the present complaint on account of the settlement.



reliance can be placed upon *Parbatbhai Aahir & Ors v. State of Gujarat & Anr.* (2017) 9 SCC 641. Further, in the case of *Narinder Singh & Ors. V. State of Punjab & Anr.* (2014) 6 SCC 466 it was *inter alia* held by apex court that the criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves. Therefore, I do not see any reason to reject the settlement.

8. Taking into account the totality of facts and circumstances, the case both the FIRs i.e. FIR No.543 dated 19.10.2016 registered under Section 354(D)/509/506/323 IPC and FIR No.1150 dated 25.08.2015 registered under Section 509/507/506 IPC at PS New Ashok Nagar and all the other proceedings emanating therefrom are quashed.
9. In view of the above, both the petitions along with the pending applications, if any, stand disposed of.

DINESH KUMAR SHARMA, J

SEPTEMBER 11, 2024

rb/ht..