



\$~83

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 1108/2024, CRL.M.A. 4382/2024, CRL.M.A. 4383/2024

TARUN NAGPAL AND ANR

..... Petitioners

Through: Mr. Narender Kumar, Advocate with
petitioners in person.

versus

STATE OF GNCT OF DELHI & ANR.

..... Respondents

Through: Mr. Laksh Khanna, APP for State
with SI Rahul Malik, P.S. Maurya
Enclave.
Mr. Aanshu Shukla, Advocate for
respondent no.2 with respondent No.2
in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

12.02.2024

%

1. The present proceedings are instituted under Section 482 Cr.P.C. seeking quashing of FIR No. 72/2021 registered under Sections 354/509/341/34 IPC at Police Station Maurya Enclave, Delhi on the ground that the parties have amicably settled their disputes.
2. As per the allegations in the present FIR, the petitioners abused and misbehaved with respondent No.2.
3. Mr. Khanna, learned APP for the State, on instructions, submits that the petitioners are the only accused persons and respondent No.2 is the only complainant/victim in the present case.
4. Learned counsels for the parties submit that the parties have amicably settled their disputes before the Delhi Mediation Centre, Rohini Court, Delhi



on 08.09.2022. In terms of the said settlement, respondent No.2 is now left with no claim or grievance against the petitioners.

5. Petitioners and respondent No.2, who are present in Court, have been identified by their respective counsel as well as the I.O./SI Rahul Malik, P.S. Maurya Enclave.

6. Petitioners have shown remorse for their conduct and undertake not to repeat the same in future. Respondent No. 2 also states that she have settled the disputes with the petitioners 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. 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:

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...”

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 cumulative cost of Rs.20,000/- to be deposited with the Delhi State Legal Services Authority within a period of two 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.

11. Proof evidencing receipt of deposit shall be filed with the I.O. as well as in Court.

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

13. With the above directions, the petition is disposed of alongwith



miscellaneous applications.

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

FEBRUARY 12, 2024

ga

MANOJ KUMAR OHRI, J