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

+ **CRL.M.C. 7397/2024**

YOGESH BAWEJA AND ORS.

.....Petitioners

Through: Mr. Tarun K. Bedi and Mr. Vikas Kumar, Advocate with petitioners in person.

versus

STATE NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Aashneet Singh, APP for State with SI Kiranpal Singh, PS Subzi Mandi.

Mr. Sadre Alam and Mr. Z.A. Khan, Advs. for R-2 with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **14.10.2024**

CRL.M.A. 28254/2024 (For releasing of FDR)

1. Learned counsel for the parties submit that the parties have arrived at an amicable settlement for a total amount of Rs. 8 lacs, out of which Rs. 2 lacs already stands received by the respondent No.2.
2. Learned counsel for petitioners submits that in pursuance to the order dated 13.12.2018 passed in BAIL APPLN. 2932/2018, petitioner No. 3, the present applicant, had deposited a sum of Rs. 11 lacs, which is lying deposited in the form of an FDR with the Registry of this Court.
3. Learned counsel for the petitioners prays that out of the aforesaid amount, Rs. 6 lacs be released to the complainant/respondent no. 2 and the remaining amount alongwith the interest thereupon be released to petitioner no. 3.
4. Learned counsel for the respondent no. 2 on instructions from the



respondent no. 2, who is present in the Court, submits that he has no objection to the aforesaid submission made on behalf of the petitioner.

5. Learned APP for the State, on instructions, submits that the complainant is the only victim in the present case.

6. Accordingly, the application is disposed of with the direction that the Registry shall release a sum of Rs. 6 lacs to the complainant/respondent no. 2 on verification and the remaining amount alongwith interest accrued upon the total amount shall be released to applicant/petitioner No. 3.

CRL.M.C. 7397/2024

1. By way of present petition, the petitioners seek quashing of FIR No. 0064/2017 registered under Sections 420/34 IPC at Police Station Subzi Mandi, Delhi on the ground that the parties have amicably settled their disputes.

2. As per the allegations in the FIR, respondent No.2 was cheated out of an amount of Rs. 33 lacs by the petitioners who executed an agreement to sale of a property without having ownership thereof.

3. Learned APP for the State, on instructions, submits that the petitioners are the only accused persons and respondent No.2 is the complainant/victim in the present case. He further states that since the State machinery has been put in use, the petitioners be saddled with some costs.

4. Learned counsel for the petitioners submits that the present FIR has been registered due to some misunderstanding. He further submits that parties have amicably settled their disputes vide Settlement Deed dated 21.05.2024, a copy of which has been placed on record. In terms of the said settlement, complainant 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 Kiranpal Singh, P.S. Subzi Mandi, Delhi.

6. Petitioners have shown remorse for their conduct and undertake not to repeat the same in future. Respondent No. 2 also states that he has settled the disputes with the petitioners 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 payment of cost of Rs.5,000/- to be deposited by each of the petitioners with the Delhi State Legal Services Authority(Account No.18580110053263, UCO Bank, Branch Rouse Avenue, IFSC: UCBA0003364) 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. In case the proof of cost is not filed within two weeks, the I.O. shall



be at liberty to move an appropriate application in this regard.

14. With the above directions, the petition is disposed of alongwith miscellaneous applications.

MANOJ KUMAR OHRI, J

OCTOBER 14, 2024

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