



\$~29

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

CRL.M.C. 7475/2024 & CRL. MA 28517/2024

AYUSH RUNGTA & ORS.

.....Petitioners

Through: Mr. Vikar Tomar, Advocate with
petitioners in person.

versus

STATE NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Laksh Khanna, APP for State
with SI Sanjay Dahiya PS Mehrauli,
New Delhi.

Mr. Abhishek Verma, Mr. Vikas
Sharma, Mr. Chetan Anand Yadav,
Advocates for respondent no.2 with
respondent no.2 in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

%

07.11.2024

1. The present proceedings are instituted on behalf of the petitioners seeking quashing of FIR No. 653/2019 registered under Sections 406/420/34 IPC at Police Station Mehrauli, Delhi on the ground that the parties have amicably settled their disputes.

2. The allegations levelled in the present FIR relate to fraud, as per which, respondent No.2 was forced to part with Rs.20,00,000/- by the petitioners on the pretext of buying a second-hand car which turned out to not be road-worthy.

3. Mr. Khanna, learned APP for the State, on instructions, submits that the petitioners are the accused persons and respondent No.2 is the complainant/victim in the present case.



4. Learned counsel for the petitioners submits that the present FIR has been registered due to a misunderstanding. He further submits that the parties have amicably settled their disputes vide Settlement Agreement dated 03.09.2024, a copy whereof has been placed on record. In terms of the said settlement, the complainant/respondent No.2 has received all payments towards the total settlement amount of Rs.20,00,000/- and is now left with no claims or grievances against the petitioners.

5. The petitioners and respondent No.2, who are present in Court, have been identified by their respective counsels as well as the I.O./ SI Sanjay Dahiya PS Mehrauli, New Delhi.

6. The 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:

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 cost of Rs.5,000/-, to be deposited by each of the petitioner with the Delhi State Legal Services Authority (A/c No. 18580110053263, UCO Bank, Branch : Rouse Avenue, IFSC : UCBA0003364) within a period of four weeks from today. The amount so deposited shall be utilized by the DSLSA for providing counselling/psychological support to POCSO victims



requiring such assistance.

11. Proof evidencing receipt of deposit shall be filed with the I.O.

12. A copy of this order be communicated to the Member Secretary, DSLSA for intimation.

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

14. In case proof of deposit of cost is not filed within four weeks, the I.O. shall be at liberty to move an appropriate application in this regard.

MANOJ KUMAR OHRI, J

NOVEMBER 7, 2024/rd