



\$~90

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

+ CRL.M.C. 1852/2024 & CRL.M.A. 7070/2024

DALIP KUMAR SINGH Petitioner

Through: Mr. Anjani Kumar, Advocate with
petitioner in person.

versus

GOVERNMENT OF NCT OF DELHI & ANR Respondents

Through: Mr. Aashneet Singh, APP for State
with SI Vivek Singh PS Sarojini
Nagar.

Respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **22.03.2024**

1. The present proceedings are instituted under Section 482 Cr.P.C. on behalf of the petitioner seeking quashing of FIR No. 192/2010 registered under Sections 419/420/467/468/471/120-B/34 IPC at Police Station Sarojini Nagar, New Delhi on the ground that the parties have amicably settled their disputes.
2. The allegations in the present FIR pertain to the offence of cheating and fraud with respect to acquiring a home loan.
3. Mr. Aashneet Singh, learned APP for the State, on instructions, submits that the petitioner is the only accused and respondent No.2 is the complainant/victim in the present case. He further states that initially the FIR was registered against two persons i.e. the petitioner and one Rajan Jaiswal, whose name was initially kept in column no.12 at the time of filing of the charge-sheet. He submits that Rajan Jaiswal was later on summoned



by the trial court and now he has been declared as proclaimed offender. Learned counsel for the petitioner submits that he does not know the whereabouts of Rajan Jaiswal.

4. Learned counsel for the petitioner submits that the present FIR has been registered due to misunderstanding. He further submits that parties have amicably settled their disputes on 01.03.2014 and the affidavit of respondent No.2 in this regard has been placed on record. Respondent No.2 states that he has received all amounts. In terms of the said settlement, respondent No.2/complainant is now left with no claim or grievance against the petitioner.

5. Petitioner, who is present in Court, has been identified by his counsel as well as the I.O./ SI Vivek Singh PS Sarojini Nagar. Respondent No.2 is also present in person and is identified by the IO. .

6. Petitioner has shown remorse for his conduct and undertakes not to repeat the same in future. Respondent No. 2 also states that he has settled the disputes with the petitioner 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.

11. It is clarified that the aforesaid FIR has been quashed qua the present



petitioner only and the trial court shall proceed against accused Rajan Jaisal in accordance with law.

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

MANOJ KUMAR OHRI, J

MARCH 22, 2024/rd