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

+ **W.P.(CRL) 3127/2024**

NAVEEN PATHAK & ORS.

.....Petitioners

Through: Ms. Urvashi Bhatia, Advocate with
petitioners.

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Yasir Rauf Ansari, ASC (Crl.) for
State with Mr. Alok Sharma, Mr.
Vasu Agarwal and Mr. Abid Siddiqui,
Advs.
SI Vijay Dahiya, PS Prashant Vihar.
Mr.Robin Bhardwaj and Ms.Vandana
Bhanot, Advs. for Respondent no.2.
Respondent no. 2 though V.C.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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07.10.2024

CRL.M.A. 30236/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

W.P.(CRL) 3127/2024

1. By way of present petition filed under Article 226 of the Constitution of India on behalf of the petitioners seeking quashing of FIR No. 457/2009 registered under Sections 419/420/411/34 IPC at Police Station Prashant Vihar, Delhi on the ground that the parties have amicably settled their disputes.
2. The allegations in the present FIR are that the petitioners came to the



house of the Respondent No. 2 impersonating as NDPL Officers and demanded a sum of Rs. 2,00,000/- from the Respondent No. 2.

3. Learned ASC for the State, on instructions, submits that the petitioners are the only accused persons who were chargesheeted and respondent No.2 is the complainant/victim in the present case. He further submits that though the FIR was registered under Section 419/420/411/34 IPC, however, the charges have been framed by the Trial Court under Sections 419/420/411/384/34 IPC. 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 misunderstanding. He further submits that parties have amicably settled their disputes before Delhi Mediation Centre, Rohini District Courts vide Settlement/Agreement dated 20.09.2014, 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 are present in Court, have been identified by their respective counsel as well as the I.O./SI Vijay Dahiya, PS Prashant Vihar. Respondent no. 2 is present through video-conferencing and has been identified by his counsel as well as the I.O.

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/- each 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. With the above directions, the petition is disposed of alongwith miscellaneous application.

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

MANOJ KUMAR OHRI, J

OCTOBER 7, 2024

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