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

+ **W.P.(CRL) 3130/2024 & CRL. MA 30290/2024**

SH.SUBHASH TYAGI AND ORSPetitioners

Through: Mr. Ankur Minocha and Mr. Gaurav Mahajan, Advocates with petitioners in person.

versus

THE STATE OF NCT OF DELHI AND ANRRespondents

Through: Ms. Nandita Rao, ASC (CRL.) for the State with SI Krishna PS Mundka, Delhi.

Mr. Karan Jain, Advocate for respondent no.2 with respondent no.2 in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

08.10.2024

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1. The present proceedings are instituted on behalf of the petitioners seeking quashing of FIR No. 0616/2023 registered under Sections 419/420/120B IPC at Police Station Mundka, Delhi on the ground that the parties have amicably settled their disputes.
2. As per the allegations in the present FIR, the petitioners in order to cheat the complainant company, offloaded the material at their site, retained it and thereafter refused to return the same.
3. Ms. Nandita Rao, ASC (Crl.) 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. She further states that the matter is pending investigation. It is further submitted that considering the serious nature of averments/allegations and the fact that the state machinery has been put in motion, the petitioners may 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 05.09.2024, a copy whereof 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 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.
6. The parties shall remain bound by the statements made in Court today.
7. 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...”

8. 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;”

9. 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/- by each of the petitioners, with the Delhi High Court Bar Association Women Advocates Welfare Fund (Saving Account No.15530110172858, UCO Bank, IFSC Code: UCBA 0001553) within a period of three weeks from today.

10. Proof evidencing receipt of deposit shall be filed with the Investigating Officer.

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



12. In case proof of cost is not deposited with the IO, the IO shall be at liberty to move an appropriate application in this regard.

MANOJ KUMAR OHRI, J

OCTOBER 8, 2024/*rd*