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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 3403/2024**
SUNIL SHAHI AND ANR

.....Petitioners
Through: Mr. Vijay Kumar, Advocate with
petitioners in person.

versus

THE STATE NCT OF DELHI AND ANR

.....Respondents
Through: Mr. Sanjay Lao, SC (Crl.). with Ms.
Priyam Aggarwal and Mr. Abhinav
Kr. Arya, Advocates for State along
with SI Kamal Chaudhary P.S. Prem
Nagar.
Ms.Kavita and Mr. Sanjay Mandawat,
Advocates for respondent
no.2/complainant with Respondent
No.2/complainant in person.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

% **ORDER**
22.11.2024

1. The present proceedings are instituted on behalf of the petitioners seeking quashing of FIR No. 0027/2024, registered under Sections 420/468/471/120B IPC at P.S. Prem Nagar, Delhi on the ground that the parties have amicably settled their disputes.
2. The allegations in the present FIR relate to fraud and forgery with respect to a transfer of property, as the petitioners sold a build-up plot to respondent No.2 without having ownership or possession of the same.



3. Learned Standing Counsel 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. It is further submitted that even though the parties have reached a compromise, considering that the allegations are serious in nature and since the State machinery has already been put in motion, some costs may be imposed upon the petitioners.
4. Learned counsel for the petitioners submits that the present FIR came to be registered due to a misunderstanding. He further submits that the parties have amicably settled their disputes vide Memorandum of Understanding/Settlement dated 08.10.2024, a copy of which has been placed on record. In terms of the said settlement, the complainant/respondent No.2 has received Rs.7,65,000/- towards full and final settlement of all their disputes and is now left with no claims or grievances against the petitioners.
5. Petitioner Nos.1 and 2, who are present in Court, have been identified by their counsel as well as the I.O./SI Kamal Chaudhary, P.S. Prem Nagar. The petitioner have shown remorse for their conduct and undertake not to repeat the same in future.
6. Respondent No. 2 has been identified by the I.O. She states that she has settled the disputes with the petitioners out of his own free will, volition and without any coercion. She further states that all the obligations under the settlement arrived at, have already been worked out and that she 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 the payment of costs of Rs.20,000/- each, to be paid to the respondent No.2 by the petitioners through the concerned I.O. within a period of four weeks from today.

11. Proof evidencing receipt of payment shall be filed with the I.O. within four weeks, failing which, the I.O. shall be at liberty to move appropriate application.

12. With the above directions, the petition is disposed of.

MANOJ KUMAR OHRI, J

NOVEMBER 22, 2024/ssc