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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 791/2017 & CRL.M.A. 3355/2017, CRL.M.A. 9035/2018,
CRL.M.A. 18449/2022 & CRL.M.A. 18450/2022
PRAKASH AWANA Petitioner

Through: Mr. Ashwin Vaish, Adv.
versus

STATE Respondent
Through: Mr. Ritesh Kumar Bahri, APP for
State with SI Lakhan, PS.EOW.
Mr. N.K.Bhambri and Mr. Karan
Bhambri, Adv. for R-2.
Ms. Somyashree, Adv. for R-3 to R-7.

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER
23.01.2024

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1. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No. 54/2015 under Sections 419/420/467/468/471/120B IPC registered at Police Station Economic Offences Wing (EOW), Delhi and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
2. Notice was issued in the present matter on 27.02.2017.
3. The learned APP for the State that since the FIR is an outcome of a property dispute and the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed.
4. The petitioner nos. 1 and 2 are present in the Court whereas the respondent no.2/complainant has joined through VC and they have been identified by their respective counsel.
5. The brief facts of the case are that on 16.02.2015, the complainant



made a complaint that the petitioner and the co-accused had cheated him by alluring him to enter into a fake purchase transaction of property bearing no. Property No. A-74, Sector 99, Noida, U.P measuring 470 sq. ft, the said complaint culminated into registration of the aforesaid FIR.

6. During the pendency of the proceedings, the parties arrived at a settlement, terms whereof were recorded in the order dated 22.04.2016, annexed as Annexure - C to the present petition. Thereafter, an addendum to the settlement was also executed between the parties in February 2017 which is at page 89 of the paperbook.

7. In terms of the settlement, the parties agreed to resolve all their disputes amicably. It is also a term of the settlement that the petitioner/accused shall pay a total sum of Rs.40 lacs to the complainant namely, Abhay Aggarwal (respondent no.2).

8. The learned counsel for the petitioner submits that the entire settlement amount of Rs.40 lacs has been paid to the respondent no.2/Abhay Aggarwal.

9. The receipt of said amount of Rs.40 lacs is acknowledged by the respondent no.2/complainant, who has joined through VC.

10. On a query posed by the Court to the respondent no.2, who has joined through VC, he states that he has no objection in case the FIR is quashed.

11. At this stage, apt would it be to refer to the observations of the Supreme Court in ***Gian Singh v. State of Punjab, (2012) 10 SCC 303: (SCC p. 340, para 58)***

“58. Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of



criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor.”

12. In ***Parbatbhai Aahir vs. State of Gujarat*** (2017) 9 SCC 641, the Supreme Court laid down as under:-

“...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 insofar 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”...

(emphasis supplied)

13. Considering the fact that the FIR is an outcome of a commercial transaction and the parties have arrived at a settlement, no useful purpose will be served in continuing the proceedings, rather the same would create further acrimony between them.

14. Further, in view of the settlement between the parties, the ultimate chances of conviction in the case are also bleak, therefore, continuation of criminal proceedings will be an exercise in futility.

15. It is, thus, in the interest of justice that the present FIR and all the



other proceedings emanating therefrom be quashed.

16. Consequently, the petition is allowed and the FIR No. 54/2015 under Sections 419/420/467/468/471/120B IPC registered at Police Station Economic Offences Wing (EOW), Delhi alongwith all other proceedings emanating therefrom, is quashed.

17. The petition stands disposed of in the above terms.

18. Order be uploaded on the website of this court.

VIKAS MAHAJAN, J

JANUARY 23, 2024/dss