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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 9090/2024 and CRL.M.A. 34830/2024
M/S SAMIAH INTERNATIONAL BUILDERS PVT LTD AND
ORSPetitioners

Through: Mr.Asghar Khan, Mr.Abdul Tahir,
Mr.Anubhav, Ms.Sahar Masroor and Ms.Saba
Khan, Advocates with petitioners Nos.2 to 6 in
person
versus

STATE (NCT OF DELHI) AND ANR.Respondents
Through: Mr.Aman Usman, APP for State
with SI Ashish
Respondent No.2 in person

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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21.11.2024

1. The present petition has been filed seeking quashing of FIR No.169/2024 registered under Sections 420 IPC at P.S. Shaheen Bagh, Delhi on the ground that the parties have amicably settled their disputes.
2. As per the allegations in the FIR, the petitioners cheated respondent No.2 by taking payment for him for booking a flat in a real estate project of which they are not owners/possessors and where no construction has taken place.
3. Learned APP for the State submits that in the present case, the petitioners are the only accused persons and respondent No.2 is the complainant/victim.
4. Learned counsel for the petitioners submits that the parties have reached at an amicable settlement vide Settlement Deed dated 04.06.2024. It is further submitted that out of the total settlement amount, the balance



amount of Rs.50,000/- is being paid today through a demand draft bearing No.288899 dated 14.10.2024 drawn on Indian Bank to respondent No.2/complainant and in terms of the settlement, respondent No. 2 is now left with no claim or grievance whatsoever against the petitioners.

5. Petitioner Nos.2 to 6, who are present in the Court, have been identified by their counsel and the Investigating Officer. Respondent No.2, who is present in the Court, has also been identified by the Investigating Officer.

6. Respondent No.2 states that he has entered into the aforesaid Settlement Deed 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 subject to encashment of the aforesaid demand draft.

7. Learned counsel for the petitioners submits that no other proceedings are pending between the parties.

8. The parties shall remain bound by the statements made in Court today.

9. 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...”

10. 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;”

11. In view of the above facts and since no useful purpose will be served in continuance of the present criminal proceedings, it is directed that the aforesaid FIR and the consequent proceedings arising therefrom are hereby quashed.

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

MANOJ KUMAR OHRI, J

NOVEMBER 21, 2024

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