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

+ W.P.(CRL) 3689/2024, CRL.M.A. 35424/2024 and
CRL.M.A. 35425/2024

M/S DELTA MINERALS INDUSTRIES AND ORS.Petitioners

Through: Mr.Sumit Sharma and Mr.Narender,
Advocates with petitioners in person

versus

STATE NCT OF DELHI AND ANRRespondents

Through: Mr.Sanjay Lao, Standing Counsel for
State with Mr.Priyam Aggarwal, Advocate with
SI Manoj Kumar
AR (Anil Kumar) of respondent No.2 in person

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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27.11.2024

1. The present petition has been filed seeking quashing of FIR No.291/2017 registered under Sections 420/34 IPC at P.S. Mehrauli, New Delhi on the ground that the parties have amicably settled their disputes.
2. As per the allegations in the FIR, the petitioner company entered into a lease deed with the complainant company and took consideration amount but refused to hand over possession.
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 company represented through its AR. He further submits that considering the serious nature of the averments/allegations against the



petitioners and since the State machinery has already been put in motion, the petitioner be saddled with heavy costs.

4. Learned counsel for the petitioners submits that the parties have reached at an amicable settlement vide Settlement Deed / Memorandum of Understanding dated 20.11.2024. It is further submitted that out of the total settlement amount of Rs.25,00,000/-, the balance amount of Rs.12,50,000/- is being paid today through a demand draft bearing No.001814 dated 18.11.2024 drawn on Central Bank of India to AR (Anil Kumar) of respondent No.2/complainant, who has been authorised to appear in the present matter by virtue of authorisation letter dated 14.11.2024 and in terms of the settlement, respondent No.2 is now left with no claim or grievance whatsoever against the petitioners.

5. The petitioners, who are present in the Court, have been identified by their counsel and the Investigating Officer. AR (Anil Kumar) of respondent No.2, who is present in the Court, has also been identified by the Investigating Officer.

6. AR (Anil Kumar) of respondent No.2 states that he has entered into the aforesaid Settlement Deed / Memorandum of Understanding 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, subject to payment of cost of Rs.10,000/- by each petitioner to be deposited with the Delhi State Legal Services Authority (A/c No.: 18580110053263, Bank: UCO BANK, Branch: Rouse Avenue, IFSC: UCBA0003364) within a period of four 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.

12. Proof evidencing receipt of deposit shall be filed with the I.O. In case the receipt of payment of cost is not filed within the stipulated time, the I.O. shall be at liberty to move an appropriate application.

13. With the above directions, the petition is disposed of alongwith the pending applications.

14. Let a copy of this order be communicated to the Member Secretary, Delhi State Legal Services Authority for information.

MANOJ KUMAR OHRI, J

NOVEMBER 27, 2024

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