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

+ **CRL.M.C. 1699/2024**

KAMAL VERMA & ANR.

.....Petitioners

Through: Mr. Sandeep Kumar, Advocate with
petitioners in person

versus

THE STATE

.....Respondent

Through: Mr. Utkarsh, APP for State with
SI Uday Narayan Dubey
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

22.01.2025

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1. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.1523/2015 under Sections 420/34 IPC registered at Police Station Burari, 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 petition on 29.02.2024.
3. The learned APP submits that since the FIR is an outcome of a commercial transaction 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 and the respondent no. 2 are present in Court and they have been identified by the Investigating Officer SI Uday Narayan Dubey, Police Station Burari, Delhi.
5. The brief facts of the case are that the respondent no.2 had entered into a transaction with petitioner no. 1 for the purchase of property and had



paid entire consideration amount, but the petitioner did not execute any title document. This led to the registration of the aforesaid FIR at the instance of respondent no. 2.

6. During pendency of the proceedings, the parties were referred to Delhi Mediation Centre, Tis Hazari Courts, Delhi where the parties arrived at a settlement, terms whereof were reduced in writing in the form of Settlement dated 17.09.2016, which is annexed as Annexure 'C' to the present petition.

7. It is recorded in the settlement that the petitioner shall pay a total sum of Rs. 10 lakhs to the respondent no.2 towards full and final settlement of all his claims.

8. Respondent no. 2 who is present in Court affirms the factum of aforesaid settlement and acknowledges having received the entire settlement amount.

9. It is also a term of the settlement that the respondent no.2 will cooperate with the petitioners for the quashing of present FIR.

10. The respondent no.2, on a query posed by the Court, states that he has no objection in case the FIR is quashed.

11. 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”...

12. In view of the settlement between the parties, the ultimate chances of conviction in the case are bleak, therefore, continuation of criminal proceedings will not serve any useful purpose and it will be an exercise in futility.

13. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.

14. Consequently, the petition is allowed and the FIR No.1523/2015 under Sections 420/34 IPC registered at Police Station Burari, Delhi alongwith all other proceedings emanating therefrom, is quashed.

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

VIKAS MAHAJAN, J

JANUARY 22, 2025

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