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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 2500/2024**

NAVEEN KUMAR GUPTA & ANR.

.....Petitioners

Through: Ms. Monika Arora and Mr.
Subhrodeep Saha, Advs. with
petitioners in person.

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Ajay Vikram Singh, APP for State
with Insp. G.N. Tiwari PS EOW
Mandir Marg, Delhi
Mr. Kushagra Bansal, Adv. for R-2
with respondent no.2 in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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13.01.2025

1. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.254/2019 under Sections 406/120B/34 IPC registered at Police Station Vivek Vihar 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 01.04.2024. The learned APP for the State submits that since the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed.
3. The petitioners, as well as, respondent no. 2 are present in the Court and they have been identified by their respective counsel and by the Investigating Officer Insp. G.N. Tiwari PS EOW Mandir Marg, Delhi.
4. The brief facts of the case are that a complaint was made by the respondent no.2 alleging that petitioners had dishonestly mis-appropriated money making promise to deliver imported Thermal Coal from a vessel



named 'MV Salt Lake City' within the mutually agreed time, which they had failed to do. This led to the registration of aforesaid FIR.

5. During the pendency of the proceedings, the parties were referred to mediation under the aegis of Delhi High Court Mediation and Conciliation Centre where they arrived at a settlement, terms whereof were reduced in writing in the form of Settlement Agreement dated 17.10.2023, which is annexed as Annexure P-2 to the present petition.

6. It is recorded in the settlement that the petitioner shall pay an amount of Rs. 1,62,98,696/- to the respondent no. 2 as full and final settlement amount in three instalments of Rs. 54,32,898/- each.

7. The learned counsel appearing on behalf of the respondent no.2/complainant acknowledges having received the payment of two instalments. As regards third instalment, he submits that a cheque of Rs.54,32,898/- has been handed over to him today by the petitioners.

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

9. Likewise, 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”...

10. Keeping in view the above legal position and regard being had to the fact that the present FIR is an outcome of a commercial transaction and dispute has been settled amicably by the parties, it is a fit case where FIR should be quashed.

11. 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.

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

13. Consequently, the petition is allowed and the FIR No.254/2019 under Sections 406/120B/34 IPC registered at Police Station Vivek Vihar alongwith all other proceedings emanating therefrom, is quashed, subject to realization of third cheque of Rs.54,32,898/-.

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

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

VIKAS MAHAJAN, J

JANUARY 13, 2025

N.S. ASWAL