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

+ **CRL.M.C. 5102/2024**

BHAGWAN SAHAY MEENA

.....Petitioner

Through: Mr. Ravi Rathore and Mr. Himmat
Singh, Advocates.

versus

STATE OF DELHI & ANR.

.....Respondents

Through: Mr. Nawal Kishore Jha, APP for the
State with SI Raju Kumar P.S.
Tughlak Road.
Son of respondent no. 2 in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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17.01.2025

CRL. M.A. 19499/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

CRL.M.C. 5102/2024 and CRL. M.A. 19498/2024 (stay)

3. The present petition has been filed seeking quashing of FIR No. 34/2024 dated 22.02.2024 under Section 420 IPC registered at Police Station Tughlak Road, New Delhi, on the ground that the parties have arrived at a settlement.
4. Petitioner as well as respondent no. 2/complainant are not present in the Court. However, son of respondent no. 2, viz. Mr. Raj Kumar is present in Court and he has been identified by the IO.
5. The facts, in brief, as noted from the record are that the FIR in the instant case came to be registered at the instance of respondent no. 2



alleging cheating against the present petitioner.

6. During the pendency of proceedings parties have arrived at a settlement, terms whereof were reduced in the form of Settlement Agreement dated 21.06.2024, which is annexed as Annexure P-2 to the present petition.

7. As per the settlement, it has been agreed that the petitioner will pay the full and final settlement amount of Rs.14,78,000/- to the respondent no.2, out of which an amount of Rs.12,28,000/- has already been paid to the complainant in the manner prescribed in the settlement. The balance amount of Rs.2,50,000/- has been paid today in Court to the son of respondent no. 2 by way of a demand draft bearing no. 014165 dated 29.11.2024 drawn on Axis Bank Limited.

8. At this Stage, apt would it be to refer to the observations of the Supreme Court in ***Parbatbhai Aahir vs. State of Gujarat (2017) 9 SCC 641.***

The relevant paras are 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”...



9. 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.

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

11. Consequently, the petition is allowed and the FIR No. 34/2024 dated 22.02.2024 under Section 420 IPC registered at Police Station Tughlak Road, New Delhi, alongwith all other proceedings emanating therefrom, is quashed.

12. The learned counsel appearing on behalf of the petitioner submits that after the settlement, a blank cheque bearing no. 416098 drawn on PNB Bank, Biwani, Dausa, was given to respondent no. 2 as security. He submits that since the entire amount has been paid to respondent no. 2, therefore, respondent no. 2 is liable to return the said blank cheque to the petitioner. To this, son of respondent no. 2 states that the said cheque will be returned to the petitioner within a period of four weeks from today. The statement of son of respondent no. 2 is taken on record.

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

VIKAS MAHAJAN, J

JANUARY 17, 2025

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