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

+ **W.P.(CRL) 2081/2024 & CRL.M.A. 20163/2024**

SURENDER KUMAR

.....Petitioner

Through: Mr. Amit Rathore, Mr. Rehmat Ali,
Mr. Kailash Rana and Ms. Yogita
Bansal, Mr. Vipin Yadav, Advocates
along with the Petitioner.

versus

THE STATE NCT OF DELHI AND ANR

.....Respondent

Through: Ms. Rupali Bandhopadhyaya, ASC for
State with SI Jaiveer Kumar, PS:
Palam Village

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% 17.02.2025

1. The present petition has been filed under Article 226 of the Constitution of India read with the Section 482 of the Criminal Procedure Code, 1973 (Cr.P.C.) seeking the following relief:

“Quash the FIR No.0211/2018 dated 14.07.2018 registered at
P.S. Palam Village, South West District, Delhi.”

2. Learned counsel for the Petitioner states that an amended memo of parties impleading Mr. Shubham Soni and Ms. Shreya Soni, the legal heirs of the complainant late Shri Rajender Soni has been filed on 14.02.2025 vide e-diary no. 1100346. He is directed to have the same placed on record.

3. Mr. Shubham Soni and Ms. Shreya Soni have joined the proceedings through video conferencing. They state that they both are presently in



Hyderabad and, therefore, they are unable to join the proceedings in person. Mr. Shubham Soni and Ms. Shreya Soni have been duly identified by the I.O. They both have stated that they have no objection if the present petition is allowed and the captioned FIR is quashed. They state that they will duly file their affidavit in support of this petition recording their no objection within a period of one (1) week.

The counsel for the Petitioner will ensure that the said affidavits are brought on record.

4. Learned counsel for the Petitioner states that the present petition has been filed for quashing of FIR No. 0211/2018 as the disputes between the Petitioner and the complainant were duly settled as recorded in an MOU dated 01.04.2024.

4.1 He states that the subject matter of allegations in the complaint was a sum of Rs. 1 Lakh, which is alleged to have been misappropriated by the Petitioner by making alterations in two (2) cheques bearing no. 525612 and 525613 each amounting to Rs. 50,000/-.

4.2 He states that the complainant was paid a sum of Rs. 1 Lakh by the brother of the Petitioner which is recorded by the Trial Court in the order dated 10.11.2021.

4.3 He states that an additional amount of Rs. 10,000/- was to be paid by the Petitioner herein. He states that the said amount of Rs. 10,000/- has since been paid to Mr. Shubham Soni the legal heir of late Shri Rajender Soni, through a bank transfer. The receipt is confirmed by the Mr. Shubham Soni.

5. Learned ASC states that the charge-sheet has been filed and cognizance has been taken by the Trial Court and the matter is next listed on 29.03.2025.

6. This Court has considered the submissions of the parties.



7. The nature of dispute forming subject matter of the captioned FIR is a financial transaction, which dispute has now been amicably resolved between the parties. In this regard it would be relevant to refer to the judgment passed in **Parbatbhai Aahir and Others v. State of Gujarat and Another**¹ wherein the Supreme Court has laid down broad principles for High Courts exercising jurisdiction under Section 482 Cr.P.C. for quashing proceedings on the ground of settlement. The relevant extract reads as under:

“16. The broad principles which emerge from the precedents on the subject, may be summarised in the following propositions:

16.1. Section 482 preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court;

.....

.....

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...”

(Emphasis supplied)

8. Keeping in view the aforesaid principle and commercial nature of the dispute and the fact that the parties have amicably settled the dispute, this Court is, therefore, of the view that there is no purpose continuing with proceedings of the present FIR qua the Petitioner, as it would be misuse of the process of the Court and an unnecessary burden on the State exchequer.

¹ (2017) 9 SCC 641.



Further this Court is also of the considered opinion that it is a fit case to exercise discretionary jurisdiction under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS).

9. In view of the above, the FIR No. 0211/2018 dated 14.07.2018 registered at Police Station Palam Village, South West District, Delhi and proceedings emanating therefrom qua the Petitioner are hereby quashed. It is directed that parties shall abide by the terms of settlement.

10. Pending application is disposed of as infructuous.

11. The I.O. is directed to apprise the Trial Court of this order and have it placed on record before the next date of hearing.

12. In case, the affidavits of Mr. Shubham Soni and Ms. Shreya Soni are not placed on record, the registry will list this matter before this Court.

13. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

FEBRUARY 17, 2025/mt/sk

[Click here to check corrigendum, if any](#)