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

+ **CRL.M.C. 6983/2024**

AMIT KHARBANDA AND OTHERSPetitioners

Through: Mr. Anand Awasthi and Mr. Sanket
Gupta, Advocates

versus

THE STATE OF NCT OF DELHI AND ANOTHERRespondents

Through: Mr. Aman Usman, APP for the State
with Inspr. Sandeep Kumar
Mr. Moksh Kataria and Ms. Muskan,
Advocates for complainant

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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07.01.2025

CRL. M.A. 26657/2024 (exemption)

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

CRL.M.C. 6983/2024

3. The present petition has been filed seeking quashing of FIR No. 267/2024 under Sections 420/467/468/471/120B IPC registered at Police Station Kirti Nagar on the ground that parties have arrived at a settlement.
4. Notice was issued in the present petition vide order dated 04.09.2024.
5. The complainant who has been arrayed as respondent no. 2 in the present petition is present in Court. The IO, who is also present in Court, has identified the parties.
6. The case of the prosecution, in brief, is that the FIR was registered due to family dispute wherein respondent no. 2 made a complaint alleging



that petitioners in collusion with each other prepared a forged family settlement agreement dated 05.06.2024 and receipt in respect of the property situated at 1/22 WHS, Kirti Nagar, Delhi to illegally grab the property of the complainant.

7. During the pendency of the proceedings, parties have arrived at a settlement, the terms whereof have been reduced into writing in the settlement dated 24.06.2024, copy of which has been annexed as Annexure-P2 to the present petition.

8. It is recorded in the aforesaid settlement that the dispute and differences that arose between the parties have been amicably resolved. It is also the term of the settlement that the petitioners will pay a sum of Rs. 12.96 lakhs to the respondent no. 2/complainant. The said amount of Rs. 12.96 lakhs is stated to have been paid.

9. Respondent no. 2 who is present in Court in person affirms the factum of settlement and also acknowledges having received an amount of Rs. 12.96 lakhs from the petitioner.

10. On a query posed by the Courts, respondent no. 2 states that she has no objection in case the FIR in question 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 fact that the parties have arrived at a settlement, no useful purpose will be served in continuing the proceedings, rather the same would create further acrimony between them.

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. 267/2024 under Sections 420/467/468/471/120B IPC registered at Police Station Kirti Nagar alongwith all other proceedings emanating therefrom, is quashed.

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

VIKAS MAHAJAN, J

JANUARY 7, 2025
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