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

+ CRL.M.C. 5749/2025 & CRL.M.A. 24650/2025

JAI DOMINIC DECOSTA & ORS.Petitioners

Through: Ms. Anu Shrivastava and Mr. Shyam Aggarwal, Advs.

Versus

GOVT OF NCT OF DELHI AND ANRRespondents

Through: Ms. Manjeet Arya, APP for State with SI Amit Kumar, PS. Special Staff/West.

Mr. Adhish Sharma and Mr. Nitin Pandey Advs. for R-2 with Mr. Kundan Kumar, AR for R-2.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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12.12.2025

1. The present petition has been filed under Section 528 BNSS, 2023 seeking quashing of FIR No.619/2024 under Sections 318(3)/3(5) of BNS registered at Police Station Tilak Nagar 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 21.08.2025.
3. Petitioner no.1 as well as, the Authorised Representative (hereinafter referred to as 'AR') of respondent no. 2 are present in Court, who have been identified by their respective counsels, as well as, by the Investigating Officer SI Amit Kumar, PS. Special Staff/West.
4. The brief facts of the case are that the FIR is an outcome of a dispute between the petitioners and respondent no.2 pertaining to a franchise



agreement.

5. It is stated in the petition that petitioner no.2 company entered into a franchise, operation and management agreement with respondent no.2 for establishing and operating a sports programme in two schools in Sonipat. However, a dispute arose with regard to some payment which led to registration of the present FIR at the instance of respondent no.2.

6. During pendency of the proceedings, the parties have arrived at a settlement in terms whereof, the petitioners paid an amount of Rs. 18 lacs to respondent no.2 towards full and final settlement of all outstanding amounts.

7. Additional documents have been handed over by Ms. Anu Shrivastava, learned counsel for the petitioners under the cover of Index dated 11.12.2025. The said documents include the No Dues Certificate issued by respondent no.2. The copy of the aforesaid mentioned index is taken on record.

8. Mr. Kundan Kumar, AR of respondent no.2 who is present in Court has handed over a certified true copy of the resolution passed by the Board of Directors of respondent no.2 authorising him to appear before this Court. The copy of the said resolution is taken on record.

9. The AR of respondent no.2, on a query posed by this Court, affirms the factum of settlement and acknowledges the receipt of full and final settlement amount of Rs. 18 lacs by the respondent no.2.

10. He further states that respondent no.2 does not wish to prosecute the criminal proceedings any further.

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. The present matter is squarely covered by the **Parbatbhai Aahir** (supra), in as much as, the matter is predominantly of civil nature and in view of the settlement having arrived at between the petitioners and respondent no.2, the continuation of criminal proceedings will be an exercise in futility.

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

14. Consequently, the petition is allowed and the FIR No.619/2024 under Sections 318(3)/3(5) of BNS registered at Police Station Tilak Nagar alongwith all other proceedings emanating therefrom are quashed.

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

16. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

DECEMBER 12, 2025/dss