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

+ CRL.M.C. 8195/2024 & CRL.M.A. 31312/2024

SANDEEP SINGH & ORS.

.....Petitioners

Through: Mr. Pushpinder Singh, Mr. Sukhmandeep Singh and Mr. Harsh Wadhvani, Advs. with petitioner no.1 in person.
Petitioner nos. 2 and 3 through VC

versus

STATE (GOVT. OF NCT OF DELHI) & ANR.Respondents

Through: Mr. Aman Usman, APP for State with SI Vikrant Singh PS Janakpuri, Delhi
Mr. Harshbir Singh Kohli, Adv. for R-2 with R-2 (through VC)

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

24.02.2025

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1. The present petition has been filed under Section 528 BNSS, 2023 seeking quashing of FIR No.0307/2021 under Sections 420/468/471/120B/34 IPC registered at Police Station Janak Puri West, New Delhi and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.

2. Notice in the petition was issued *vide* order dated 18.10.2024. 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 petitioner no.1 is present in Court whereas petitioner nos.2 and 3, as well as, respondent no.2 have joined through VC. The parties have been identified by their respective counsel, as well as, by the Investigating Officer SI Vikrant Singh PS Janakpuri, Delhi.

4. The case of the prosecution in brief is that the respondent no.2 had entered into an Agreement to Sell with the petitioners for the purchase of a property which they claim to have been allotted to them by the DDA, but actually the petitioners were not the owners.

5. In terms of the agreement, to sell an amount of Rs.1.30 Cr was paid by the complainant to the petitioners through a mediator namely, Mr. Harpreet Singh, who also represented himself to be the power of attorney holder of the present petitioners.

6. During the pendency of the proceedings, the present petitioners have entered into a settlement with the complainant/respondent no.2, terms whereof were reduced in writing in the form of Memorandum of Understanding dated 13.03.2023, which is annexed as Annexure P-6 to the present petition.

7. It is a term of the settlement that the petitioners will pay a full and final settlement amount of Rs.92,15,410/- to the respondent no.2/complainant. However, by way of revised settlement, which was arrived at orally, the petitioners agreed and paid total settlement amount of Rs.93,00,000/- to the respondent no.2.

8. The receipt of entire settlement amount of Rs.93,00,000/- is acknowledged by the respondent no.2, who has joined through VC.

9. The respondent no.2, on a query posed by the Court, states that he has no objection in case the FIR is quashed *qua* the present petitioners.



10. 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”...

11. The dispute predominantly appears to be of civil nature. 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 other proceedings emanating therefrom be quashed *qua* the petitioners.

13. Consequently, the petition is allowed and the FIR No.0307/2021 under Sections 420/468/471/120B/34 IPC registered at Police Station Janak Puri West, New Delhi alongwith all other proceedings emanating therefrom, is quashed *qua* the petitioners.

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

15. At this stage, the learned counsel appearing on behalf of petitioners submits that during the investigation the passport of the petitioner no.1 was



seized by the IO and the same may be directed to be returned to the petitioner no.1. The prayer is not opposed by the learned APP for the State.

16. Since the FIR itself has been quashed *qua* the petitioners, the IO is directed to release the passport of the petitioner no.1 forthwith.

VIKAS MAHAJAN, J

FEBRUARY 24, 2025

N.S. ASWAL