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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 8841/2024**

SH SUPENDER @ SONU

.....Petitioner

Through: Mr. Sahil, Advocate.

versus

GNCT OF DELHI & ANR. & ORS.

.....Respondents

Through: Ms. Kiran Bairwa, APP for the State
with SI Mohit Bamel, P.S. Begampur.
Respondent no. 2 in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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27.01.2025

1. Present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 728/2022 registered under Section 386 IPC at Police Station Begam Pur, Delhi, on the ground that the parties have arrived at a settlement.
2. The petitioner as well as respondent no. 2/complainant are present in Court and they have been identified by the respective counsel as well as by the Investigating Officer SI Mohit Bamel, P.S. Begam Pur.
3. The brief facts of the case are that the petitioner had advanced an amount of Rs. 1,30,000/- to the complainant/respondent no. 2 and for the return of which he was pressing the complainant. The complainant made a complaint against the petitioner making allegations of extortion which led to the registration of the aforesaid FIR.
4. During the pendency of the proceedings, parties have arrived at a settlement, the terms whereof have been reduced into writing in the form of a



Memorandum of Settlement dated 06.12.2023, a copy of which is annexed as Annexure-P-3 to the present petition.

5. It is recorded in the settlement that the parties have mutually and amicably resolved all their differences without any pressure or coercion. It is also a term of settlement that respondent no. 2 shall co-operate for the quashing of the aforesaid FIR.

6. Respondent no. 2, who is present in Court, on a query posed by the Court affirms the factum of settlement and states that he has no objection if the aforesaid FIR is quashed. He further states that the present FIR is an outcome of financial transaction.

7. 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”...

8. 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.

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

10. Consequently, the petition is allowed and the FIR No. 728/2022 registered under Section 386 IPC at Police Station Begam Pur, Delhi, alongwith all other proceedings emanating therefrom, is quashed.

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

VIKAS MAHAJAN, J

JANUARY 27, 2025

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