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

+ **CRL.M.C. 9681/2024**

ANIL KUMAR

.....Petitioner

Through: Mr. Ved Prakash Tripaathi and Mr.
Surendra, Advocates

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Aman Usman, APP for the State
with SI Raghuraj Singh, PS Sangam
Vihar and Respondent No. 2 (through
VC)

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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17.02.2025

1. The present petition has been filed under Section 528, BNSS, 2023 seeking quashing of FIR No. 559/2020 under Section 420/34 IPC registered at Police Station Sangam Vihar, Delhi and all consequential proceedings emanating therefrom *qua* the petitioner on the ground that the parties have arrived at a settlement.
2. Issue notice. The learned APP appearing on behalf of the State accepts notice.
3. The petitioner is present in Court whereas the respondent no.2 has joined through video conferencing and they have been identified by the learned counsel for the petitioner, as well as, by the IO/SI Raghuraj Singh, Police Station Sangam Vihar, Delhi.
4. The case of the prosecution is that in the month of July 2019,



respondent no. 2 in order to purchase a second-hand car checked the website of Cars 24 and selected an I-20 model, white colour for which he paid an advance amount of Rs. 26,000/- in two instalments to the agent, who was working as a Relationship Manager at Cars 24. However, the car which the respondent no.2 received was not the same and was also damaged. This led to the registration of the aforesaid FIR against the petitioner who is stated to be the owner of the car which the respondent no. 2 had purchased.

5. During pendency of the proceedings, the parties arrived at a settlement, terms whereof have been reduced into writing in the form of Compromise Deed dated 11.06.2024, a copy of which has been annexed to the present petition.

6. It is a term of settlement that petitioner will pay to the respondent no.2 an amount of Rs.28,000/- as full and final payment against the claims of respondent no.2.

7. It is also a term of settlement that respondent no. 2 shall cooperate with the petitioner for quashing of the aforesaid FIR.

8. As per the settlement, the petitioner has already paid an amount of Rs. 28,000/- to the respondent no. 2, the receipt of which respondent no. 2 acknowledges.

9. Respondent no. 2, who has joined through video conferencing, affirms the factum of settlement and states that he has no objection in case the aforesaid FIR is quashed.

10. At this stage, it apt to refer to the decision of the Supreme Court 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 present case has predominant element of a civil dispute. Further, 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 the other proceedings emanating therefrom be quashed.

13. Consequently, the petition is allowed and the FIR No. 559/2020 under Section 420/34 IPC registered at Police Station Sangam Vihar, Delhi alongwith all other proceedings emanating therefrom, is quashed *qua* the petitioner.

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

VIKAS MAHAJAN, J

FEBRUARY 17, 2025

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