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

+ **CRL.M.C. 10196/2024**

ASHREEN VERMA AND ANR.

.....Petitioners

Through: Mr. Parveen Kumar Mehdiratta, Mr. Shahid Ahmed, Ms. Shabnam, Mr. Pankaj Kumar, Advs. along with petitioners.

versus

THE STATE GOVT OF NCT OF DELHI AND ANR...Respondents

Through: Mr. Hitesh Wali, APP for State with S.I. Pradeep Kumar, P.S. Rajouri Garden, Delhi.
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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11.02.2025

1. The present petition has been filed under Section 528 of BNSS, 2023 seeking quashing of FIR No.0749/2022 under Sections 420/468/471/120B IPC registered at Police Station Rajouri Garden, 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 by this court *vide* order dated 24.12.2024.
3. The petitioners, as well as, respondent no.2 are present in the Court and they have been identified by the learned counsel for the petitioners, as well as, by the Investigating Officer i.e. S.I. Pradeep Kumar, P.S. Rajouri



Garden, Delhi.

4. The brief facts of the case are that the respondent no.2/complainant was cheated by the petitioners for a sum of Rs.12,50,000/- by giving him to understand that they will arrange Canadian visa for him. This led to the registration of aforesaid FIR.

5. During the pendency of proceedings, the parties have arrived at a settlement, terms whereof were reduced in writing in the form of Mutual Settlement/Agreement dated 29.10.2024, which is annexed as Annexure A-4 to the present petition. The petition is also supported by an affidavit of respondent no. 2 which is at page no.22 of the present petition.

6. As per the settlement, it has been agreed that the petitioners will pay the full and final settlement amount of Rs.12,50,000/- to the respondent no.2, out of which an amount of Rs.8,50,000/- has already been paid to the respondent no.2 in the manner prescribed in the settlement. The balance amount of Rs.4,00,000/- has been paid today in Court to the respondent no.2 by way of a Demand Draft bearing no. 042857 dated 23.12.2024 issued by the Union Bank of India, Rajouri Garden, New Delhi.

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

8. The respondent no.2, on a query posed by the Court, states that he has no objection in case the FIR is quashed.

9. At this Stage, apt would it be to refer to the observations of the Supreme Court in ***Parbatbhai Aahir vs. State of Gujarat (2017) 9 SCC 641***. The relevant paras are 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”...

10. 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.

11. However, in the present case, since the State machinery has been put into motion and considerable time and resources of the investigating agency have been spent in the investigation of the matter, it is deemed appropriate to impose cost of Rs.20,000/- each on the petitioners. Accordingly, the petitioners are directed to deposit cost of Rs.20,000/- each with the Delhi State Legal Services Authority and the said amount should be utilized towards counselling / psychological support to be provided to POCSO victims requiring such assistance.

12. Consequently, the petition is allowed and the FIR No.0749/2022 under Sections 420/468/471/120B IPC registered at Police Station Rajouri Garden, Delhi, alongwith all other proceedings emanating therefrom, is quashed subject to payment of cost as aforesaid, within a period of two weeks from today.



13. The petition stands disposed of in the above terms.
14. Order be uploaded on the website of this Court.

FEBRUARY 11, 2025/aj

VIKAS MAHAJAN, J