



\$~61

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

+ **CRL.M.C. 5222/2023**

PROPLARITY INFRATECH PVT. LTD. & ORS. Petitioners

Through: **Mr. Sandeep Sharma with Mr. Kamal Kapoor, Advocates.**

versus

STATE & ANR.

..... Respondents

Through: **Mr. Laksh Khanna, APP for State.
Mr. Yogendra Kumar, Advocate for R-2.
SI Kuldeep, PS Model Town.**

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

31.01.2024

%

1. The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.396/2017 registered under Sections 406/420/120B IPC at P.S. Model Town, Delhi on the ground that the parties have amicably settled their disputes.
2. Mr. Sandeep Sharma, learned counsel appearing for the petitioner states that the undersigned had appeared for one of the parties. However, he prays that by virtue of the present petition, the parties seek quashing on the basis of a settlement arrived at between the parties in Mediation Centre and none of the parties have any objection.
3. Learned counsel appearing for respondent no.2 affirms that the entire settlement amount has been received and considering the aspect that the matter is only seeking quashing on the basis of settlement.



4. The allegations in the present FIR relate to fraud and forgery in the real estate business.
5. Learned APP for the State submits that in the present case the petitioners are the only accused persons and respondent No.2 is the only complainant/victim. He states that the charge sheet has been filed.
6. Learned counsel for the petitioner submits that the parties, have entered into a settlement vide Settlement Agreement dated 21.08.2020. In terms of the settlement, respondent No.2 is now left with no claim whatsoever against the present petitioners.
7. The petitioners and respondent no.2, who are present in the Court, have been identified by their respective counsels and the Investigating Officer.
8. Respondent No.2 states that he has entered into the aforesaid Settlement Agreement out of his own free will, volition and without any coercion. He further states that he has no objection if the present FIR and consequent proceedings are quashed.
9. Learned counsel for the petitioners submits that no other proceedings are pending between the parties.
10. The parties shall remain bound by the statements made in Court today.
11. In Parbatbhai Aahir and Others v. State of Gujarat and Another reported as **(2017) 9 SCC 641**, it has been held as under:-

“16. The broad principles which emerge from the precedents on the subject, may be summarised in the following propositions:

xxx

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 in so far 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. Similarly, in State of Madhya Pradesh v. Laxmi Narayan and Others reported as **(2019) 5 SCC 403**, it has been held as under:-

“15. Considering the law on the point and the other decisions of this Court on the point, referred to hereinabove, it is observed and held as under:

15.1. That the power conferred Under Section 482 of the Code to quash the criminal proceedings for the non-compoundable offences Under Section 320 of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;”

13. In view of the above facts and since no useful purpose will be served in continuance of the present criminal proceedings, it is directed that the aforesaid FIR and the consequent proceedings arising therefrom are hereby quashed, subject to payment of costs of Rs.25,000/- by each petitioner to be deposited with Delhi High Court Bar Association Sports Club (A/c No.15530110006412) within a period of four weeks from today.

14. Proof evidencing receipt of deposit shall be filed with the Investigating



Officer as well as in Court.

15. With the above directions, the petition is disposed of.

16. Let a copy of this order be communicated to the Member Secretary, Delhi State Legal Services Authority for information.

17. The Registry shall list the matter before this Court in case receipt of costs to be paid by the petitioners is not filed within the stipulated time period.

MANOJ KUMAR OHRI, J

JANUARY 31, 2024/hs