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

+ **CRL.M.C. 3421/2023**

SARNALA SREEDHAR ALIAS

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..... Petitioner

Through: Mr. Mukesh Gupta, Mr. Shashi Gupta, Mr. Abhishek Shardha and Mr. Arnav Gupta, Advocates with petitioner in person

versus

**STATE OF NCT OF DELHI THROUGH SHO POLICE STATION
CRIME BRANCH & ANR**

..... Respondents

Through: Mr. Sanjeev Sabharwal, APP for State with SI Ravinder PS Crime Branch, Delhi.
Mr. Shreyan Das, Advocate for respondent No.2.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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11.03.2024

1. The present proceedings are instituted under Section 482 Cr.P.C. seeking quashing of FIR No.295/2022 registered under Sections 408/409/420/467/468/471/120B IPC at Police Station Crime Branch, Delhi on the ground that the parties have amicably settled their disputes.
2. The allegations in the present FIR relate to the conspiracy committed against respondent No.2 inasmuch as he was made to part with valuable property, whereafter possession was taken by putting fear of arrest.
3. Mr. Sanjeev Sabharwal, learned APP for the State, submits that the petitioner is the only accused and respondent No.2 is the only complainant/victim in the present case.



4. Learned counsel for the petitioner submits that the parties have amicably settled their disputes vide Settlement Agreement dated 13.03.2023. In terms of the said settlement, complainant is now left with no claim or grievance against the petitioner.

5. Learned counsel for the respondent No.2 states that the respondent No.2 has expired on 26.10.2023. The factum of death of Respondent No.2 has been verified by the I.O.

6. Petitioner, who is present in Court, has been identified by his counsel as well as the I.O./ SI Ravinder PS Crime Branch, Delhi.

7. Petitioner has shown remorse for the act and undertakes that the same would not be repeated in future. This Court in order dated 15.05.2023, noted that respondent No.2/complainant had stated that he had no objection if the present FIR and consequent proceedings are quashed.

8. The petitioner shall remain bound by the statement made in Court today.

9. 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:

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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... ”

10. 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;”

11. In view of the above facts and considering that no useful purpose will be served in continuance of the proceedings, it is directed that the aforesaid FIR and the consequent proceedings arising therefrom are hereby quashed subject to payment of cost of Rs.5 lacs to be deposited by the petitioner with the Delhi State Legal Services Authority within a period of two weeks from today. The amount so deposited shall be utilized by the Delhi State Legal Services Authority for providing counselling/psychological support to POCSO victims requiring such assistance.

12. Proof evidencing receipt of deposit shall be filed with the I.O. as well as in Court.



13. A copy of this order be communicated to the Member Secretary, Delhi State Legal Services Authority for intimation.
14. With the above directions, the petition is disposed of alongwith miscellaneous application.
15. The Registry shall list the matter before this Court in case receipt of costs to be paid by the petitioner is not filed within the stipulated time period.

MANOJ KUMAR OHRI, J

MARCH 11, 2024/rd