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

+ CRL.M.C. 2846/2022

NEELAM JAISWAL & ORS.

..... Petitioners

Through: Mr. Aditya Aggarwal, Mr. Naveen Panwar and Mohd. Yasir, Advocates

versus

STATE GOVT. OF NCT OF DELHI AND ANR. Respondents

Through: Mr. Hemant Mehla, APP for State, with SI Ali Akram, Cyber Centre District.

Mr. Kartik Bhalla, Advocate with Mr. Javed Chouhan, AR of the Bank for R-2.

Respondent No.3 in person.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **25.09.2023**

CRL.M.A. 26017/2023 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CRL.M.A. 26016/2023 (for preponement)

3. This is an application for preponing the date of hearing.
4. Issue notice.
5. Learned APP accepts notice on behalf of the State.
6. Mr. Kartik Bhalla, learned counsel accepts notice on behalf of Respondent No.2.
7. For the reasons stated in the application, the same is allowed.



8. Hearing of the petition is preponed and petition is taken up for hearing.

9. Date of 26.02.2024 is hereby cancelled.

CRL.M.C. 2846/2022

10. This is a petition under Section 482 Cr.P.C. on behalf of the Petitioners seeking quashing of FIR No.239/2020 dated 13.11.2020 registered under Sections 419/420/409/467/468/471/201/120B/34 IPC at P.S. Rajinder Nagar, Delhi.

11. Present FIR was registered against 06 Petitioners and during the course of investigation, Petitioners were arrested, save and except, Petitioner No.1, who was released on interim bail by the Court. It is stated in the petition that out of the total amount which was the subject matter of dispute between the parties, a sum of Rs.67,00,000/- has been paid to Respondent No. 3/complainant and Petitioners are willing to pay the balance amount.

12. Petitioners and Respondent No. 3 are present in Court and have been identified by their respective counsels and the IO Ali Akram, Cyber Centre District. Authorized Representative of Respondent No. 2/ICICI Bank has joined virtually through video conferencing.

13. In furtherance of the settlement between the parties, Petitioners have already paid Rs.91,00,000/-. Petitioners have handed over to Respondent No.3 two demand drafts bearing Nos. 718531 and 718538 dated 20.09.2023 and 22.09.2023 in the sum of Rs.18,45,000/- and Rs.26,38,589/- respectively, drawn on ICICI Bank Ltd. Delhi in Court. Respondent No. 3 submits that since the balance payment has been made the disputes are settled and Respondent No. 3 has no objection to the FIR being quashed. Learned APP and AR of Respondent No. 2 also do not object to the



quashing of the FIR.

14. In view of the settlement between the parties and following the binding observations of the Supreme Court in *Gian Singh v. State of Punjab and Another, (2012) 10 SCC 303* and *Narinder Singh and Others v. State of Punjab and Another, (2014) 6 SCC 466*, this Court finds no reason to continue the criminal proceedings consequent to the present FIR. In *Narinder Singh (supra)*, the Supreme Court elucidated the guidelines that would govern the exercise of inherent powers of the High Court under Section 482 Cr.P.C. and two broad parameters are: (i) to secure ends of justice or (ii) to prevent abuse of the process of any Court. It was further held that those criminal cases which are overwhelmingly of a civil character such as family disputes, matrimonial relationships or arising out of commercial transactions etc. should be quashed if parties resolve their disputes amicably. It was observed that the High Court while exercising the power under Section 482 Cr.P.C., is to examine as to whether the possibility of conviction is remote and bleak and the continuation of the criminal case would put the accused to great oppression and prejudice.

15. Accordingly, in view of the settlement and Respondent No.3 having received the payments due, FIR No.239/2020 dated 13.11.2020 registered under Sections 419/420/409/467/468/471/201/ 120B/34 IPC, P.S. Rajinder Nagar is quashed, including proceedings emanating therefrom, subject to the Petitioners depositing a sum of Rs.50,000/- as cost in favour of Delhi Police Welfare Society Fund, Account No.18200100001081 and IFSC Code-UCBA0001820, within 04 weeks from today. Proof of deposit shall be filed in the Court within four weeks. In case of failure to comply with the direction, the matter will be placed before the Court by the Registry.



16. The date of 26.02.2023 stands cancelled.
17. Petition stands disposed of in the aforesaid terms.

SEPTEMBER 25, 2023/kks/shivam

JYOTI SINGH, J