

## **SUCCESSFUL QUASHING OF FIR ON THE BASIS OF SETTLEMENT BETWEEN THE PARTIES**

We recently handled a matter wherein the parties had multiple civil and criminal cases and counter cases against each other, including FIRs filed by both parties against each other for sexual harassment as well as fraud/forgery. Various attempts were made to settle the issues and the parties even entered into a settlement but the same did not go through and the talks failed leading to more conflict between the parties.

After the settlement did not materialise, they had several other rounds of talks in an attempt to settle the matters but the parties had lost their trust and confidence in each other, due to which the talks did not bear fruits.

Under such a challenging scenario one of the parties approached us for help and appointed us as their counsel and we took on the challenging assignment and agreed to try and get the matter settled between the parties, without having any prior knowledge of the amount and nature of claims and counterclaims of the parties.

Due to the failure of the previous settlement talks, none of the parties were willing to reinitiate settlement talks and each party wanted the other party to come forward for settlement first.

We took it upon ourselves that the parties come to the table to sort out and settle their disputes, patiently keeping all controversial topics out of the discussion; trying to conclude the issues that were not controversial first.

The process took almost 2 months and various rounds of meetings were conducted amongst the counsels of both the parties, from which emerged a draft settlement deed. Now came the challenge to get the parties amicably agree on all the terms of the deed, which is the most challenging part of any settlement as at times the parties can be unreasonable and it falls upon the counsels to guide them towards resolving their differences. Despite of the unreasonable terms by the opposite counsel/party, we worked out a framework to protect the interests of both the parties and ultimately become successful in our attempt to finalise the settlement deed.

Essentially, it was agreed that the parties would file their withdrawal applications and quashing petitions simultaneously for closing all cases and disputes once and for all. After the settlement deed was signed by the concerned parties, it fell upon the counsels to ensure that the withdrawal/quashing of all cases were done in accordance with the settlement agreement as any deviation from it would break down the settlement process, which was in its final phase.

We successfully filed and were able to get all pending litigations between the parties withdrawn. Further, the parties approached the Hon'ble High Court for quashing the FIRs that were filed by them against each other. The celebrated judgment **Gian Singh v. State of Punjab, (2012) 10 SCC 303** and **Narinder Singh & Ors. Vs State of Punjab & Ors. (2014) 6 SCC 466** were relied upon for getting the FIR quashed.

Initially the State, represented by the Additional Public Prosecutor, opposed the quashing of the FIR and raised the objections that the offences contained in the FIR are of a serious nature. He relied upon **Prabhatbhai Aahir @ Parbatbhai Vs. The State of Gujarat, Crl. Appeal no. 1723/2017** and **Missu Naseem and Anr. vs. The State of Andhra Pradesh & Ors., Crl. A No. 160/2022**, to support his objections.

During the course of hearing, we appraised the court as to how the above judgments relied upon by the State were not applicable to our case as the offence in Missu Naseem's case was committed against the Government and in Prabhatbhai's case the accused were absconding and had several criminal antecedents. The court after hearing the arguments of both the counsels at length adjourned the hearing and on the next date, taking into consideration the arguments advanced by us, the court quashed the FIR on the grounds that the dispute was predominantly of a civil nature and arising out of commercial transaction, observing that the quashing of the FIR will further the ends of justice as all disputes stood resolved between the parties.

In this manner, we were able to successfully assist our client in resolving their disputes with the other party, at a time when the settlement talks had stagnated; and were able to bring the disputes to rest for once and for all, to the satisfaction of the parties involved.