

*** HIGH COURT OF DELHI AT NEW DELHI**

+ Crl M.C. No. 2588/2007

Date of decision : 08.05.2008

RANJIV TALWAR & ORS. Petitioners

Versus

STATE & ANOTHER Respondents

(2) Crl M.C. No. 2589/2007

RANJIV TALWAR & ORS. Petitioners

Versus

STATE & ANOTHER Respondents

(3) Crl M.C. No. 2593/2007

RANJIV TALWAR & ORS. Petitioners

Versus

STATE & ANOTHER Respondents

Present : Mr. Harish Malhotra, Sr. Adv. with
Mr. Rajender Aggarwal, Advocates for
the Petitioners.
Mr. Lovkesh Sawhney, APP for the State.
IO ASI Anil Kumar, EOW/ Crime Branch.
Mr. Gurcharan Singh in person.

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CORAM:

HON'BLE MS. JUSTICE ARUNA SURESH

- (1) Whether reporters of local paper may be allowed to see the judgment?
- (2) To be referred to the reporter or not?
- (3) Whether the judgment should be reported in the Digest ?

J U D G M E N T

ARUNA SURESH, J. (Oral)

1. By way of this common order I shall dispose of three petitions filed by the common petitioners as the facts seeking quashing of the FIR in all the three petitions are similar in nature arising out of the same transaction and the compromise.

2. Shri Gurcharan Singh, husband of the complainant in CrI.M.C. No.2588/2007 and complainant/respondent No.2 in CrI.M.C. No.2589/2007 is present in person who has been identified by the Investigating Officer.

3. By way of these petitions, the petitioners have sought quashing of FIR No.57/03, dated 05.03.2003,

under Sections 406/420/468/471/34 IPC, Police Station Civil Lines, Delhi; FIR No.210/04, dated 16.07.2004, under Sections 406/420/468/471/34 IPC, Police Station Civil Lines, Delhi; and FIR No.529/02, dated 02.12.2002, under Sections 406/420/465/468/471/477A/120-B IPC, Police Station Kashmere Gate, Delhi. The allegations in all the three FIRs lodged by the complainant Smt. Charanjit Kaur (since deceased) wife of Shri Gurcharan Singh, Shri Gurcharan Singh and J.S. Gandhi respectively are identical. There were business transactions between the parties and parties decided to get their dispute settled by means of arbitration. The Arbitrator after entering into reference published his award on 19.04.2002. After the award was pronounced, some disputes arose between the parties which resulted into registration of these three FIRs on the behest of the respondent No.2.

4. Parties amicably settled their dispute and executed Memorandum of Understanding (MOU) dated 2nd April, 2005 and it was agreed that a sum of Rs.2,75,00,000/- (Rupees Two Crores Seventy Five Lakhs only) would be paid by the Petitioners in full and final settlement of the

claim of the respondent No.2 in all the three FIRs. These payments were made in instalments. After the payment of entire amount of Rs.2,75,00,000/- in full and final settlement of the claim, the present petitions have been filed for quashing of the FIRs registered against the petitioners.

5. Shri Gurcharan Singh who appeared in person today tried to wriggle out of the compromise by saying that amount due was Rs.3,25,00,000/-. However, it was under the compelling circumstances he agreed to accept a sum of Rs.2,75,00,000/- and therefore he has not forgone his claim for the balance amount of Rs.50,00,000/- and also the interest which has accrued on the entire amount. The respondent at this stage cannot be allowed to wriggle out of the compromise entered into between the parties and that too when the parties had settled their dispute agreeing to the payment of Rs.2,75,00,000/- to the respondent before this court in OMP No.202/2004. Respondent No.2 has been accepting payment of the settlement amount in instalments as fixed.

6. In similar petitions, filed by the Petitioners against the respondent, the respondent had same grievance about the amount of interest having to be paid to them. These FIRs apparently were lodged by the respondent against the Petitioners in respect of the dispute which are of civil nature.

7. Under these circumstances, keeping in mind the fact that the parties have settled their dispute and respondents have received the settled amount of Rs.2,75,00,000/-, it is just and proper in the interest of justice that the impugned FIRs be quashed.

8. Hence, petitions are allowed. FIR No.57/03, dated 05.03.2003, under Sections 406/420/468/471/34 IPC, Police Station Civil Lines, Delhi; FIR No.210/04, dated 16.07.2004, under Sections 406/420/468/471/34 IPC, Police Station Civil Lines, Delhi; and FIR No.529/02, dated 02.12.2002, under Sections 406/420/465/468/471/477A/120-B IPC, Police Station Kashmere Gate, Delhi are hereby quashed.

9. Petitions stand disposed of accordingly. Attested copy of the order be sent to the concerned trial court as

well as to the State. Registry is directed to place copy of the order in Crl.M.C. No.2589/2007 and Crl.M.C. No.2593/2007 also.

May 08, 2008
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**ARUNA SURESH
(JUDGE)**