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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 3045/2010

RASHI KOHLI & ORS. Petitioners
Through : Mr. R.S. Malik, Adv. with
petitioners in person.

versus

STATE NCT OF DELHI & ORS. Respondents
Through : Mr. M.N. Dudeja, APP for State.
SI Samin Khan
Complainant in person.

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

% 23.09.2010

1. The present petition is filed by the petitioners under Section 482 Cr.P.C. praying *inter alia* for quashing of the FIR No.82/2009 lodged by the respondent No.2 against the petitioners under Sections 365/34 IPC with at PS North Rohini, Delhi.

2. It is stated by the counsel for the petitioners that the main dispute between the parties was with regard to a friendly loan taken by the respondent No.2/complainant from the petitioner No.1 for business purposes, which was not re-paid within a reasonable time. As a result, the petitioners approached the respondent No.2/complainant for recovery of their amount.

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file and no page is missing.

3. It is the case of the respondent No.2/complainant that an attempt to kidnap him was made by the petitioners, which resulted in lodging of the aforesaid FIR. It is now stated by him that he has returned the entire outstanding dues to the petitioner No.1 and the parties have amicably settled the disputes between them.

4. Counsel for the petitioners states that the petitioners and the respondent No.2/complainant have arrived at a settlement as recorded in the Compromise Deed dated 16.9.2010. The respondent No.2/complainant is present in the Court and affirms the aforesaid position.

5. Learned APP for the State states that pursuant to the lodging of the aforesaid FIR, investigations were carried out by the police authorities and a challan was filed. He submits that the State has no objection to the prayer made in the petition being allowed. He however, submits that in view of the fact that the petitioners have put into motion the legal machinery of the State, which has resulted in incurring of unnecessary expenditure and wastage of time, they be put to terms for seeking the relief in the present petition.

6. Having regard to the fact that the dispute between the parties has now been amicably resolved in terms of the settlement arrived at between them, there appears no legal impediment in allowing the

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present petition. However, considering the nature of the offence and the fact that on account of the petitioners, the legal machinery of the State has been set into motion, which has resulted in incurring of unnecessary expenditure and wastage of time, FIR No.82/2009, subject matter of the present petition, as also all the proceedings arising out therefrom stand quashed, subject to the petitioners paying a sum of ₹.20,000/- each, in the following manner :

- i. The petitioner No.1 shall deposit a sum of ₹.20,000/- with the Delhi High Court Legal Services Committee,
- ii. The petitioner No.2 shall deposit a sum of ₹.20,000/- with the Delhi High Court Mediation & Conciliation Centre,
- iii. The petitioner No.3 shall deposit a sum of ₹.20,000/- with the Registrar General of this Court, to be deposited in the Juvenile Justice Fund.
- iv. The petitioner No.4 shall deposit a sum of ₹.20,000/- with the Delhi Police Welfare Fund, and
- v. The petitioner No.5 shall deposit a sum of ₹.20,000/- with the Delhi High Court Advocates' Library Fund.

7. Needful shall be done within a period of two weeks. Proof of deposit shall be furnished to the learned APP for the State within one week thereafter. y

The petition is disposed of. File be consigned to the record room.



HIMA KOHLI,J

SEPTEMBER 23, 2010
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