

#31

01.12.2010

Present: Mr.K.K.Manan, Sr. Advocate with Mr. Rohit Priya Ranjan, Adv. for the petitioners with petitioners in person.

Mr.R.N.Vats, APP for the State with IO SI Satvinder Singh, EOW/Crime Branch.

Ms. Anjana Prabhakar, Advocate for the respondent No. 2 with Lt. Col. (Retd.) Pradeep Prabhakar, the complainant/R2.

Crl.M.C. 3110/2010 & Crl.M.A. 15781/2010, 16887/2010 & 16888/2010

Surender Sahlot, Vijay Sharma and Col. O.P.Tehlan (Retd.), the petitioners herein are seeking quashing of FIR No. 132/2008 under Sections 420/467/468/471/209/120-B IPC, P.S. E.O.W./Crime Branch, Delhi Police and the charge sheet as well as subsequent proceedings emanating from the same.

The ground for seeking quashing is that the parties have arrived at an amicable settlement and now, there is no dispute left between the parties.

Petitioners Surender Sahlot, Vijay Sharma and Col. O.P.Tehlan (Retd.) are present in person. They are identified by their counsel Sh. Rohit Priya Ranjan, Advocate. Respondent No. 2 Lt. Col. (Retd.) Pradeep Prabhakar is also present. He is identified by his counsel Ms.

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Anjana Prabhakar, Advocate as well as the Investigating Officer SI Satvinder Singh, P.S. EOW Cell.

Petitioners as well as respondent No. 2 confirm that they have amicably settled the matter and now, there is no dispute left between them. The photocopy of Deed of Compromise is placed on record at Page No. 10 of the petition, described as Annexure P1. Parties confirm that they have signed the original of the Deed of Compromise either as first and second party or the confirming party and they give an undertaking to this court that they shall abide by the Deed of Compromise.

Respondent No. 2 submits that he has entered into the above settlement of his own accord without any inducement or threat from any corner and now there is no dispute left between the parties. Thus, he has no objection, if the FIR No. 132/2008, P.S. EOW Cell, Delhi Police, as well as the proceedings arising out the same are quashed.

Learned APP submits that this is not a fit case for quashing of FIR on the ground of settlement as the allegations against the petitioners are serious and as per the charge sheet, they have committed the offence of criminal conspiracy and forgery of Will of Late Lt. Col. T.S. Prabhakar.

As per the case of prosecution, the petitioners are alleged to have hatched a criminal conspiracy and in furtherance of the conspiracy they forged the Will of Late Lt. Col. T.S. Prabhakar

pertaining to the movable assets and three immovable properties bearing number D-434, Defence Colony, New Delhi; R-169, Greater Kailash-I, New Delhi and S-557, Greater Kailash-II, New Delhi as also a Special Power of Attorney and some other documents pertaining to Late. Lt. Col. T.S. Prabhakar. Petitioner No.1 even had applied for probate of said Will. Respondent No. 2 is stated to have filed objection to contest the Will. He also lodged an FIR against the petitioners being FIR No. 132/2008, P.S. EOW Cell, Delhi Police.

During the pendency of this matter, the parties have arrived at an amicable settlement pursuant to which, the petitioner No. 1 without prejudice to his rights and pleas, has withdrawn the probate proceedings based on the Will. The possession of aforesaid three immovable properties is stated to be with legal heirs of Late Lt. Col. Tralok Chand Prabhakar. It is submitted by the parties that an amicable settlement had been arrived at with a view to avoid protracted litigation between the parties.

In view of the above, I find that no useful purpose shall be served by keeping the FIR No. 132/2008, P.S. EOW Cell, Delhi Police alive and push the parties into a protracted litigation pertaining to the title of the aforesaid three properties left behind by Late Lt. Col. Tralok Chand Prabhakar. Accordingly, with a view to put an end to the unnecessary litigation and preserve the congenial relationship between the parties, the FIR No. 132/2008, P.S. EWO Cell, Delhi Police as well as the charge

sheet emanating from the same is hereby quashed. Parties to the petition as well as confirming parties shall be bound by the terms of the Deed of Compromise signed by them.

Petition stands disposed of.



(AJIT BHARIHOKE)
JUDGE

DECEMBER 01, 2010
akb

— Crl. M.A. 18744/10 filed for
modification in order dt
01/12/10

— Crl. M.A. 18745/10 filed
for Exemption.

#46

20.12.2010

Present: Mr.N.Hariharan, Advocate with Ms. Anjana Prabhakar, Advocate for the applicant/respondent No. 2 with applicant/respondent No. 2 in person.
Mr. Rohit Priya Ranjan, Advocate for the petitioners/non-applicants.
Mr.R.N.Vats, APP for the State.

+Crl.M.A.18745/2010 (for exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

Crl.M.A. 18744/2010 (for modification of order dt. 01.12.2010) in Crl.M.C. 3110/2010

Vide this application, the applicant/respondent No. 2 is seeking rectification of clerical error in the order dated 01st December, 2010 of this court.

Learned counsel for the applicant/respondent No. 2 submits that due to clerical error, at certain places in the order dated 01.12.2010, name of Late Lt. Col. Tralok Chand Prabhakar is referred to as Late Lt. Col. T.S. Prabhakar which needs rectification. Learned counsel further submits that in Para 2 at Page 6 of the file, instead of words 'petitioner No. 1 has unconditionally withdrawn the probate proceedings based on the Will', the words "without prejudice to his rights and pleas" has been recorded.

Learned counsel appearing for non-applicants/petitioners submits that he has no objection if aforesaid clerical errors are rectified.

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In view of the above, it is ordered that wherever, the word 'Late Lt. Col. T.S.Prabhakar' appears in the order, it shall be read as "Late Lt. Col. Tralok Chand Prabhakar" and the sentence 'petitioner No. 1 without prejudice to his rights and pleas, has withdrawn the probate proceedings based on the Will' in para 2 at page 6 of the order, shall be read as "petitioner No. 1 has unconditionally withdrawn the probate proceedings based on the Will".

Application stands disposed of.

Copy of this order be forwarded to learned ACMM for information.


(AJIT BHARIHOKE)
JUDGE

DECEMBER 20, 2010

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