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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 3451/2010

BIMLA RANI

..... Petitioner

Through: Mr. Rishi Manchanda, Advocate with
petitioner in person.

versus

STATE

..... Respondent

Through: Mr. Navin Sharma, APP for the State.
Mr. Jitin Sahni, Advocate with respondent
No.2/complainant in person.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

O R D E R

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02.11.2010

1. The present petition is filed by the petitioner under Section 482 of the Cr.PC praying *inter alia* for quashing of FIR No.79/1994, lodged by respondent No.2/complainant under Sections 463/467/471/120B/109 IPC, registered with Police Station: Rajender Nagar, New Delhi.

2. Counsel for the petitioner states that the dispute between the parties is mainly civil in nature and the basis of the FIR was a dispute with regard to the sale consideration of property bearing No.113, Shankar Road, Main Market, New Rajender Nagar, New Delhi. It is stated by the counsels for the parties that various civil suits were

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pending between the parties, in respect of the aforesaid property, but during the pendency of the said proceedings, they have arrived at a settlement as recorded in the Compromise Deed dated 29.10.2010 (Annexure P-2). Counsels for the parties jointly state that the parties have arrived at the aforesaid settlement of their own free will and volition and without any undue influence, pressure or coercion from any quarters. It is stated by them that now the suit property is in the possession of third parties, namely, Mr. Neeraj Madhok and Ms. Geeta Madhok and it is no longer a bone of contention between the petitioner and respondent No.2/complainant. ✓

3. Learned APP for the State submits that after completion of investigation, charge sheet has been filed and the matter is at the stage of recording of the prosecution evidence. He further states that though he has no objection to the prayer made in the present petition being allowed, in view of the fact that it was at the behest of the petitioner that the legal machinery has been put into motion, which has resulted in incurring of unnecessary expenditure and wastage of time, it is a fit case, where costs must be imposed on the petitioner.

4. This Court has heard counsels for the parties. In view of the submission made by respondent No.2/complainant and in view of the fact that the parties have arrived at a settlement of their own free

will and volition and without any undue influence or coercion from any quarters, no useful purpose will be served by proceeding further with the aforesaid FIR and the proceedings arising therefrom.

5. Accordingly, the petition is allowed in view of the aforesaid settlement arrived at between the parties. FIR No.79/1994 lodged by respondent No.2 with Police Station: Rajender Nagar, New Delhi, and all proceedings arising therefrom are quashed, subject to the condition that the petitioner shall pay costs of ₹10,000/-, which shall be deposited in the following manner:-

- (a) ₹5,000/- shall be deposited with the Delhi High Court Legal Services Committee.
- (b) ₹5,000/- shall be deposited with the Advocates' Library Fund.

6. The aforesaid costs shall be deposited by the petitioner within two weeks, while furnishing proof of payment to the learned APP for the State within the same period.

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



HIMA KOHLI,J

NOVEMBER 02, 2010
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