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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. No. 4551/2006**

% *Judgment delivered on: 24th November, 2011*

DHARAM SINGH Petitioner
Through : Mr.R. K. Kashyap, Adv.

versus

STATE & ANR Respondent
Through : Mr.Navin Sharma, APP for
State/R-1.
Mr.S. K. Rungta, Senior Adv with
Ms.Neha Tanwar and Mr.Prashant
Singh, Advs for R-2 with respondent
in person.

CORAM:
HON'BLE MR. JUSTICE SURESH KAIT

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| 1. Whether the Reporters of local papers
may be allowed to see the judgment? | No |
| 2. To be referred to Reporter or not? | No |
| 3. Whether the judgment should be reported
in the Digest? | No |

SURESH KAIT, J. (Oral)

1. Instant petition has been preferred by the petitioner against the impugned order 22.05.1999 whereby learned Trial Court has issued summons against the petitioner for the offence under Section 420 Indian Penal Code in the complaint case filed by respondent No.2.

2. He further submits that petitioner and respondent No.2 are real brothers and now they have amicably settled all the issues qua the present complaint case and respondent No.2 does not wish to pursue his case any further.

3. Respondent No.2 is personally present in the Court and has been duly identified by his counsel Mr.S. K. Runga, learned Senior Advocate. On instructions, learned Senior Advocate submits that all the issues with respect to present complaint case has been settled with the petitioner and respondent No.2 does not wish to pursue his case no more and wishes to withdraw the same having been amicably settled.

4. Mr.Navin Sharma, learned APP for State submits that being the complaint case, he has no objection if the instant petition is allowed.

5. I note that vide the impugned order, learned Trial Court has issued the summons to petitioner in a criminal complaint case preferred by and respondent No.2. Pursuant to amicable settlement, respondent No.2 wishes to withdraw the same. There seems to be no legal embargo that the complaint case cannot be withdrawn by the complainant.

6. Keeping the settlement between the petitioner and respondent No.2 into view, the criminal complaint case filed by respondent No.2 against petitioner stands withdrawn. Consequently, petitioner stands discharged therefrom.

7. Accordingly, Criminal M.C.No.4551/2006 stands allowed and

disposed of.

8. In view of above, order, Criminal M.A.7683/2006 becomes infructuous and accordingly, stands disposed of as such.

9. No order as to costs.

10. *Dasti.*

SURESH KAIT, J

November 24, 2011

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