

\$~11

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

+ **CRL.M.C.No.3417/2011**

% Judgment delivered on:14th October, 2011

RAJPAL SINGH ANAND & ANR Petitioners
Through : Mr.Arjun Bhandari with
Mr.Abhishek Rai, Advs.

versus

STATE & ORS Respondent
Through : Ms.Rajdipa Behura, APP for
State with Inspector Manish Joshi,
police station EOW in person.
Mr.Kedar Nath Tripathi & Mr. H. P.
Sahu, Advs for R-2 with respondent in
person.

CORAM:
HON'BLE MR. JUSTICE SURESH KAIT

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

SURESH KAIT, J. (Oral)

1. Issue notice.
2. Ms.Rajdipa Behura, learned APP on behalf of for State/
respondent No.1 and Mr.Kedar Nath Tripathi, learned counsel
on behalf of respondent No.2 accepts notice.

Crl.M.C.No.3417/2011

Page 1 of 6

Signature Not Verified

Digitally Signed By: AMULYA
Certify that the digital file and
physical file have been compared and
the digital data is as per the physical
file and no page is missing.

2

3. Respondent No.3 being a performa respondent, no notice requires.

4. Learned counsel for the petitioners submits that vide FIR No.234/2009 dated 13.11.2009 case under Section 420/406/468/120B Indian Penal Code, 1860 was registered at police station Economic Offence Wing, Crime Branch, Delhi against the petitioners on the complaint of one Sh.Dildar Singh, who is no more in this world and passed away on 10.09.2010.

5. Respondent No.2 Smt.Shakuntala Anand is wife of deceased complainant, who has come forward to get the present FIR quashed after settlement. She has been duly identified by her counsel. In addition, investigating officer Inspector Manish Joshi, EOW also identified her.

6. Mr.Harry Singh, son of respondent No.2 who is settled in Germany is also present with his mother and both of them stated that they have no objection, if the present FIR is quashed as per the settlement arrived at between the parties. Even 'no objection certificate' which is at page No.45 of the paper book, Annexure 'D' collectively has been

3

issued by Ms.Cindy Singh, daughter of respondent No.2, as she is also settled abroad.

7. Learned counsel for the petitioners further submits that vide settlement dated 12.10.2011 the matter has been resolved between the parties. As per the settlement, the petitioners have to pay a sum of ₹4,47,75,000/- to respondent No.2 and the petitioners shall not claim any consideration for the land at Daboda (Gurgaon) and Mangar (Faridabad) purchased by late Shri Dildar Singh in the name of respondent No.2.

8. The said amount of ₹4,47,75,000/- has been handed over to respondent No.2 today in the Court vide cheque bearing No.366021 dated 14.10.2011 drawn on Syndicate Bank, Nicholson Road, Mori Gate, Delhi in favour of respondent No.2. Respondent No.2 has accepted the same without any protest subject to realisation of the said cheque.

9. Learned counsel for the petitioners further submits that complaint against the respondent No.2 has already been withdrawn by the petitioners.

4

10. Respondent No.2 is present in the Court with her counsel, stated that she is no more interested to pursue the case, therefore, she has no objection, if the present case FIR is quashed.

11. Ms.Rajdipa Behura, learned APP for State submits that the investigation is at the crucial stage and during process, precious time of the Court has also been consumed. Keeping the financial position into view, costs may be imposed upon the petitions, if the Court is inclined to quash the present FIR.

12. Ld counsel for the petitioners on instructions submits that both the petitioners are willing to donate ₹5.00 lacs each in favour of School and Home for Mentally Retarded Children, Avantika, Sector – 1, Rohini, Delhi.

13. Accordingly, I direct the petitions that the total amount of ₹10.00 lacs be deposited with Principal/ Headmaster/In-charge of above institution within a week from today and proof thereof shall be placed on the record.

14. The Principal/Headmaster/In-charge of above institution

is further directed to keep the said total amount of ₹10.00 lacs into periodically renewable fixed deposit scheme for a period of three years with any Nationalised Bank and interest accrued thereon from time to time shall be utilised for the needy children of the school, at the disposal of institution.

15. Respondent No.2, who is widow of complainant late Sh.Dildar Singh has also come forward and wishes to donate a sum of ₹5.00 lacs for the welfare of the children and destitute women. Therefore, I direct respondent No.2 to deposit a sum of ₹5.00 lacs in favour of 'Welfare Fund for Children and Destitute Women' at Nirmal Chaya, Jail Road, Tihar, New Delhi within a week from today. Proof thereof shall also be placed on the record.

16. I further direct, this amount of ₹5.00 lacs shall be kept in form into periodically renewable fixed deposit scheme for a period of three years with any Nationalised Bank and interest accrued thereon from time to time shall be utilised for the needy children and destitute women, at the disposal of institution.

17. Keeping the settlement into view and the fact that

6

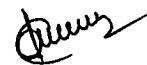
respondent No.2 is no more interested in pursuing the present case FIR, in the interest of justice, I hereby quashed the FIR No.234/2009 under Section 420/406/468/120B Indian Penal Code, 1860 registered at police station Economic Offence Wing, Crime Branch, Delhi against the petitioners.

18. Consequently, Criminal M.C.No.3417/2011 is allowed and disposed of in above terms.

19. Accordingly, Criminal M.A. No.12130/2011 renders infructuous and stands disposed of as such.

20. Before parting with the present order, I must place on record my appreciation for both the parties, who have come forward voluntarily and donate some amount for the welfare of the poor and needy children and destitute women.

21. Copy of order be given *dasti* to all the parties.



SURESH KAIT, J

October 14th 2011

Mk



\$~39

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

+ CRL.M.C. 3417/2011

RAJPAL SINGH ANAND & ANR Petitioner
Through :Mr. Arjun Bhandari, Adv.

versus

STATE & ORS Respondent
Through :Ms. Rajdipa Behura, APP.
Mr. K.N. Tripathi, Adv. for R2.

CORAM:
HON'BLE MR. JUSTICE SURESH KAIT

% **ORDER**
17.11.2011

CRL. M.A. 17993/2011

1 Vide the instant application, the applicant has sought correction of an inadvertent mistake in order dated 14.10.2011, wherein, it is recorded as under in para 07 of the order:-

“7 Learned counsel for the petitioners further submits that vide settlement dated 12.10.2011 the matter has been resolved between the parties. As per the settlement, the petitioners have to pay a sum of Rs.4,47,75,000/- to respondent

9

No. 2 and the petitioners shall not claim any consideration for the land at Daboda (Gurgaon) and Mangar (Faridabad) purchased by late Shri Dildar Singh in the name of respondent No. 2.”

2 Learned counsel for applicant states that amongst the grounds of compromise, detailed in settlement deed, it has been stated as under:-

“That the party of the first part(i.e. respondent No. 2) states that she has no concern whatsoever of any nature or claim against the party of the second part or in the affairs of the company and its Directors. That the party of the first part holds in her name land in Daboda (Gurgaon) vide sale deed dated 12.12.2005 and land in Mangar (Faridabad) vide sale deed dated 30.12.2005 which were registered in her name and the payments were made by Spring Water Properties Pvt. Ltd. The party of the second part has shown them as its own purchase in their books of accounts. Now as the first party has agreed to withdraw all cases against the party of the second part and its Directors the party of the first part has agreed to settle the claim against company without any interest or extra charge. In view of the above the party of the second part will not claim any

10

consideration for the land at Daboda (Gurgaon) and Mangar (Garidabad) purchased by the party of the first part in her name i.e. Smt. Shankuntla Anand”.

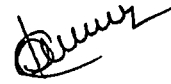
3 Keeping the contents of the application into view, para 07 of the order dated 14.10.2011 be read as under:-

“7 The learned counsel for the petitioners further submits that vide settlement dated 12.10.2011 the matter has been resolved between the parties. As per the settlement, the petitioners have to pay a sum of Rs.4,47,75,000/- to respondent No. 2 and the petitioners shall not claim any consideration of the land at the Daboda (Gurgaon) and Mangar (Faridabad) purchased by Late Sh. Dildar Singh in the name of respondent No. 2”

4 I further made it clear that words “ Purchased by Late Sh Dildar Singh in the name of respondent No.2” is deleted and substituted by words “registered in the name of respondent No.2 (Smt. Shakuntala Anand) payments for which was made by Spring Water Properties Private Limited.



- 5 No further order is required.
- 6 Accordingly the application is disposed of.



SURESH KAIT, J

NOVEMBER 17, 2011

j