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

+ W.P.(CRL) 1837/2014

SHRI RAM PRASAD & ANR Petitioners
Through : Mr. Anurag Dubey, Adv.

versus

STATE & ORS Respondents
Through : Mr. Sanjiv Bhandari, ASC with Mr.
Manoj Bhandari, Adv. and SI Ajay
Kumar, P.S. Bawana, Delhi for the
State
Mr. Vivek Kr. Chaudhary, Mr. Ajay
Kumar Pipaniya, Mr. Rohit Arora and
Mr. Vikrant Yadav, Adv. for the
complainant/respondent no. 3

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

ORDER
% **30.04.2015**

Crl. M.A. No.14093/2015 (exemption)

Allowed, subject to all just exceptions.

Application is disposed of.

W.P.(CRL) 1837/2014

By this writ petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.), petitioners have prayed for quashing of FIR No. 119/2011 under Sections

471/120-B/506/420/468 IPC registered at Police Station Bawana on the complaint of respondent no. 3, pursuant to the order passed by the Metropolitan Magistrate under Section 156(3) of the Cr.P.C. It was alleged in the FIR by respondent no. 3 that petitioners and respondent no. 2 had hatched a conspiracy to dupe respondent no. 3. They had approached respondent no. 3 in the month of October, 2008 and induced him to invest ₹4 lacs in the plot bearing no. 184, Sector 3, DSIDC Pocket – 1, Industrial Area, Bawana, Delhi – 110039, which was paid by him to the petitioners. They assured respondent no. 3 to handover the complete chain of title documents prior to execution of sale documents. Subsequently, when he approached them and demanded photocopy of chain of title documents, they avoided to supply the same, inasmuch as did not come forward to execute the sale documents. Instead accused issued a legal notice dated 10th January, 2009 through his counsel and created a false story that they had already sold the plot in question to one Shri Satish Kumar vide a registered title transfer documents prior to October, 2008. They showed him certified copies of the documents. It is alleged that petitioners and respondent no. 2 had sold the plot twice, thus, had duped the respondent no. 3.

During the course of hearing on 16th April, 2015 complainant and

petitioners stated that they were willing to settle the matter. Accordingly, they were relegated to the Delhi High Court Mediation and Conciliation Centre.

It is submitted that petitioner and respondent no. 3 have settled their disputes amicably before the Mediation Centre on 27th April, 2015 on the terms and conditions as stipulated in the Settlement Agreement “Mark C-1”. It is submitted that FIR in question be quashed in view of the settlement arrived at between the parties. Parties shall remain bound by the terms of Settlement as stipulated in “Mark C-1”. Respondent no. 3 submits that he has no objection in case FIR is quashed in view of the settlement.

Keeping in mind that parties have settled their disputes through the process of mediation during the pendency of the investigation itself and also the fact that disputes between the parties have civil flavor, I am of the view that no fruitful purpose would be served in keeping the criminal proceedings pending. Accordingly, in the interest of justice, FIR No. 119/2011 under Sections 471/120-B/506/420/468 IPC registered at Police Station Bawana and the consequent proceedings emanating therefrom are quashed.

It has been pointed out that petitioner no. 1 had kept a sum of ₹2 lacs in the FDR issued by State Bank of India in the name of Registrar General

of this Court pursuant to the order passed by a learned Single Judge in Bail Application No. 1314/2013 and that said FDR is lying with the Investigating Officer. In terms of Clause 6(b) of “Mark C-1”, FDR be handed over by the Investigating Officer to respondent no. 3 today itself. Necessary endorsement on the FDR be made by the Registrar General for releasing the amount of FDR to respondent no. 3. Needless to add, the interest accrued on the FDR will also go to respondent no. 3. For the purpose of requisite endorsement, respondent no. 3 shall appear before the Registrar General on 6th May, 2015 at 11 A.M.

Petition is disposed of in the above terms. Dasti.

A.K. PATHAK, J.

APRIL 30, 2015

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