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

+ CRL.M.C. 1449/2015

HIRA PRASAD MISHRA & ORS Petitioners
Through Mr.Naveen Abbasi, Adv. for
P-1 & 3 to 6.
Mr.Lalan Chaudhary, Adv. for P-2.

versus

THE STATE OF NCT OF DELHI Respondent
Through Mr.M.P.Singh, APP for the State
along with SI Rakesh Dadwal, EOW,
in person.
Mr.Vikas Arora, Adv. with
Mr.Dheeraj Manchanda, Ms.Radhika
Arora, Mr.Sandeep Das & Mr.Satya
Bhushan, Advs. for R-2 to R-6.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN SINGH

ORDER
% **15.04.2015**

Crl. M.A. No.5343/2015 (exemption)

Exemption allowed, subject to just exceptions.

The application is disposed of.

Crl. M.C. No.1449/2015

The present petition has been filed by the petitioners under Section 482 Cr.P.C. for quashing of FIR No.397/2012, under Sections 420/120B/467/468/471/195/409/506/470/34 IPC, registered at P.S. Dabri, New Delhi.

Brief facts of the case are that there was commercial transaction between the petitioners and respondents No.2 to 6. During the course of the

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said commercial transaction, certain accounting differences arose between the parties and they could not sort out their differences. Both the parties have filed litigations against each other. At present four civil suits are pending between the parties which were referred for mediation at Delhi High Court Mediation and Conciliation Centre; the details of the said suits are given in para 4 of the petition. Besides, a criminal complaint was filed by respondents No.2 to 6 against the petitioners along with an application under Section 156(3) Cr.P.C., in which the MM passed an order dated 28th May, 2011 for registration of an FIR. Accordingly, the aforesaid FIR was registered against the petitioners on 1st June, 2011.

It is submitted in the petition that during the pendency of the proceedings, as the dispute between the parties is commercial in nature, hence both the parties have amicably resolved their disputes and now, no grievances are left amongst themselves. The said settlement was arrived at between the petitioners and respondents No.2 to 6 before the Delhi High Court Mediation and Conciliation Centre. The terms and conditions of the settlement are mentioned in the Settlement Agreement dated 5th March, 2015 which is duly signed by the parties. Copy of the same is also placed on the record. The parties shall be bound by the terms and conditions of the settlement as recorded in the Settlement Agreement dated 5th March, 2015.

The petitioners as well as authorized representatives on behalf of respondents No.2 to 6 are present in Court who are duly identified by their respective counsel. The said respondents have confirmed the settlement. They have no objection if the prayer made in the petition is allowed.

In view of the averments made in the petition as well as the settlement arrived at between the parties, the FIR No.397/2012, under Sections

420/120B/467/468/471/195/409/506/470/34 IPC, registered at P.S. Dabri, New Delhi and proceedings pursuant thereto are hereby quashed qua the petitioners.

Since the State machinery has been used, while quashing the FIR, I impose the cost of Rs.20,000/- each upon the petitioners, which shall be deposited by them with the Delhi Police Martyrs Fund within four weeks from today. The original receipt of depositing the cost shall be filed by the petitioners in the Registry within six weeks and a copy thereof be also handed over to the IO. In case the cost is not deposited by the petitioners within the stipulated period, the matter shall be listed before Court for further directions.

The petition is accordingly disposed of.


MANMOHAN SINGH, J.

APRIL 15, 2015