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

Date of Decision: March 04, 2015

+ **CRL.M.C. 5201/2013 and Crl. M.A. Nos. 6749/2014, 18761/2013 and Crl. M.B. No. 871/2014**

GANESH BABU GUPTA

..... Petitioner

Through: Mr. S.S. Kulshrestha, Senior
Advocate and Mr. A.S.
Kulshrestha, Advocate

versus

STATE & ANR

..... Respondents

Through: Mr. Navin Sharma, Additional
Public Prosecutor for respondent-
State with WSI Upkar Kaur
Mr. Praveen Kr. Singh, Mr. Rajeev
Gupta and Mr. Navlendu Kumar,
Advocates for Respondent No. 2

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

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Quashing of FIR No. 237/2013, under Sections 420 of *IPC* registered at Police Station Rani Bagh, Delhi is sought in this petition on merits.

At the time of hearing of this petition, learned counsel for the parties had appeared and it was submitted by counsel for Respondent No. 2 that dispute between the parties stands resolved vide *Settlement Deed of*

7th October, 2013 and as per the aforesaid *Settlement*, an amount of ₹53 lakhs was to be paid by 24th December, 2013. Extension of time was sought by petitioner to comply with the aforesaid undertaking but despite number of opportunities granted to petitioner, he has not adhered to the out-of-court settlement arrived at between the parties.

Status report placed on record by respondent reveals that to obtain interim relief, petitioner paid a sum of ₹5 lakhs to respondent/complainant and thereafter he continues to be on interim bail during pendency of the present proceedings without abiding by the aforesaid *Settlement*.

In the considered opinion of this court, quashing of FIR in question is sought at the stage when the investigation is still pending. This petition is disposed of as pre-mature with direction to respondent-State to expeditiously conclude its investigation while ignoring the *Settlement Deed* which has not been acted upon by petitioner.

This petition and applications are disposed of while not commenting on merits of the case lest it may prejudice either side at trial.

Needless to say, petitioner would be at liberty to avail the remedy as per law in case the chargesheet is filed in this FIR case against the petitioner.

(SUNIL GAUR)
JUDGE

MARCH 04, 2015

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