

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

Date of Decision: January 28, 2015

+ CRL.M.C. 5012/2014

SMT USHA RANI

..... Petitioner

Through: Mr. Pankaj Tomar, Advocate

versus

STATE OF NCT OF DELHI & ANR. Respondents

Through: Mr. Navin Sharma, Additional
Public Prosecutor for respondent
No.1-State with SI Amarjeet Singh
Respondent No.2 in person

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

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Quashing of FIR No.449/2013, under Section 380 of the IPC, registered at police station Geeta Colony, Delhi is sought by petitioner in this petition.

Learned Additional Public Prosecutor for respondent-State submits that respondent No.2 is the complainant/ first-informant of the FIR in question and she is present in the Court. Learned Additional Public Prosecutor for respondent-State further submits that investigation of this FIR reveals that this was a false FIR lodged by the second respondent and infact, the dispute between the parties is a land-lord-tenant dispute and the rent security amount of ₹3,80,000/- was prematurely sought by respondent No.2-tenant, which was refused by petitioner and so, this FIR

was falsely lodged.

At this stage, learned counsel for petitioner submits that to put an end to the entire controversy, respondent No.2 has agreed to vacate the rented first floor of the property in question upon refund of security amount of ₹3,80,000/- . Respondent No.2 present in the Court submits that he would hand over the vacant possession of the first floor rented accommodation to petitioner on 3rd February, 2015 and it is acceptable that security amount of ₹3,80,000/- is given to him there and then only.

Upon hearing and on perusal of the FIR in question and in view of candid stand taken by learned Additional Public Prosecutor for respondent-State, this court finds that continuation of proceedings arising out of FIR in question is abuse of process of the law.

In view of aforesaid, this petition is allowed and FIR No.449/2013, under Section 380 of the IPC, registered at police station Geeta Colony, Delhi and proceedings emanating therefrom are quashed.

(SUNIL GAUR)
JUDGE

JANUARY 28, 2015

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