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

Judgment delivered on: 17th July, 2015

+ CRL.M.C. 2817/2015

SURAJ BHAN & ORS.

..... Petitioners

Represented by: Mr. Arvind Kumar Gupta,
Mr. Anshul Gupta and Mr. Abhishek Goyal,
Advs.

versus

STATE & ANR.

..... Respondents

Represented by: Mr. Ravi Nayak, APP for
State with SI Manmeet, South East District.
Mr. Mukesh Kumar Verma, Adv. with
Mr. P.N. Rayu / complainant.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

SURESH KAIT, J. (Oral)

Crl. M.A.10065/2015 (for exemption)

Exemptions allowed, subject to all just exceptions.

Accordingly, the application is allowed.

+ **Crl. M.C. 2817/2015**

1. Vide the instant petition; petitioners seek directions thereby quashing FIR No. 267/2012 registered at PS-Neb Sarai for the offences punishable under Sections 420/467/471/506/34 IPC against the petitioners.

2. Ld. Counsel appearing on behalf of the petitioners submits that the aforesaid case was registered on the complaint of respondent no.2. After investigated the case, Police filed the chargesheet before the Court. However, the charges are yet to be framed. Meanwhile, petitioners and respondent no. 2 entered into an agreement vide MOU dated 13.07.2015 whereby the matter has been compromised between the petitioners and respondent no. 2. Thus, respondent no.2 does not want to pursue the case further against the petitioners.

3. It is submitted by the counsel for the petitioners that vide order dated 09.05.2013, petitioner no.1 Suraj Bhan was granted anticipatory bail in Bail Appl. No. 768/2013 subject to his depositing a sum of Rs.20 Lacs with the Registrar General of this Court. Pursuant to the said order, the aforesaid amount was deposited on 13.05.2013 and bail was granted on 16.05.2013. Today, petitioner nos.2 and 3 have paid an amount of Rs.1,40,000/- and Rs.2,00,000/- respectively to the respondent no. 2 by way of pay order, who has accepted the same without any objection.

4. Respondent no. 2 is present in the Court with his Counsel who on instructions from respondent no. 2 submits that he has received an amount of Rs.1,40,000/- from petitioner no. 2 and Rs.2,00,000/- from petitioner no.3. Ld. Counsel further submits that the amount of Rs.20,00,000/- deposited by petitioner no. 1 as per MOU dated 13.07.2015 with accrued interest may be released in favour of respondent no. 2. With these terms, respondent no. 2 is ready to settle

the matter with the petitioners and does not want pursue the case further against the petitioners.

5. On the other hand, Id. APP appearing on behalf of the State submits that after lodging of the FIR, Police investigated the case and chargesheet has been filed. However, the charges are yet to be framed. Therefore, if this Court is inclined to quash the FIR mentioned above, heavy cost may be imposed upon the petitioners.

6. Though, respondent no.2 / complainant has agreed on the aforesaid MOU and come forward to get the FIR quashed, but the fact remains that as per the FIR, respondent no. 2 / complainant paid an amount of Rs.28,00,000/- in the year 2006. The petitioners have agreed to repay the amount but that is only Rs.23,40,000/-.

7. Undisputedly, the payment was made in the year 2006 and the respondent no.2 is getting back the amount in the year 2015, therefore, this Court is not satisfied with the agreement took place. However, the petitioners have come forward to pay some more amount, i.e., petitioner nos. 1, 2 and 3 agreed to pay Rs.2,00,000/-, Rs.50,000/- and Rs.1,00,000/- respectively.

8. Keeping in view the fact that the respondent no.2 is going to receive the amount in the year 2015, which he paid in the year 2006, if this Petition is not allowed, his money may be stuck up. Therefore, in the interest of justice, I quash FIR No. 267/2012 registered at PS-Neb Sarai for the offences punishable under Sections 420/467/471/506/34 IPC with all emanating proceedings therefrom with the conditions that

petitioners shall pay the agreed amount as noted above within four weeks.

9. Consequently, respondent no. 2 will withdraw the case filed against petitioner no. 1 under Section 138 NI Act pending before the trial court.

10. Registrar General of this Court is directed to release an amount of Rs. 20,00,000/- deposited by petitioner no. 1 Suraj Bhan with interest accrued thereon in favour of respondent no. 2.

11. It is made clear that the amount mentioned above shall be paid by petitioners to the respondent no. 2 by way of pay order and the proof of the same shall be placed on record under intimation to the IO concerned.

12. Accordingly, the petition is allowed.

13. Order *dasti*.

SURESH KAIT, J

JULY 17, 2015

jg