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

Judgment delivered on: 18th November, 2015

+ CRL.M.C. 3548/2015

TEJPAL YADAV & ORS

..... Petitioners

Represented by: Mr. Kartik Prasad, Adv.

versus

STATE & ANR

..... Respondents

Represented by: Mr. Izhar Ahmad, APP for
State with SI Jangir Singh, PS-Janak Puri.
Mr. S.V. Vats, Adv. for R2.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

SURESH KAIT, J. (Oral)

1. By way of the present petition; filed under section 482 Cr.P.C. Petitioners seek directions thereby quashing of FIR No. 56/2013 registered at PS-Janak Puri for the offence punishable under Section 408 read with Section 34 IPC against them.

2. Learned counsel appearing on behalf of the petitioners submits that the aforesaid case was registered on the complaint of respondent No.2, i.e., Hinduja Finance Leyland Ltd. through its Authorized Representative. Thereafter, petitioners and respondent no.2 amicably settled the disputes. Thus, respondent no.2 does not want to pursue the case further against the petitioners.

3. Mr. Satya Narayan Sharma (Emp. Code No. 16220), working as

Location In-charge with the respondent no. 2 / Company has appeared with the Special Power of Attorney and states on instructions that the matter has been settled with the petitioners and they do not want to pursue the case further against them. Therefore, if the present petition is allowed, respondent no.2 has no objection.

4. Learned Additional Public Prosecutor appearing on behalf of the State submits that case is at the initial stage of investigation. Since, respondent no. 2 / complainant has come forward not to pursue the case further against the petitioners, the State has no objection if the present petition is allowed.

5. Undisputedly, offence punishable under Section 408 of the IPC is compoundable and matter is pending investigation with the police. As such, parties invoked the jurisdiction of this Court under Section 482 Cr P C, instead of moving learned Trial Court for compounding the matter.

6. Both the parties are present in the Court today, approbate to the aforesaid settlement and undertake to remain bound by the same.

7. In view of the above discussion, considering the settlement arrived at between the parties and the statement of Mr. Satya Narayan Sharma on behalf of respondent No.2 and the learned counsel for the State, I am of the considered opinion that this matter deserves to be given a quietus as continuance of proceedings arising out of the FIR in question would be an exercise in futility.

8. Consequently, FIR No. 56/2013 registered at PS-Janak Puri for the offence punishable under Section 408 read with Section 34 IPC and all

proceedings emanating therefrom, are hereby quashed against the petitioners.

9. In view of the above, the present petition is allowed.

**SURESH KAIT
(JUDGE)**

NOVEMBER 18, 2015

jg