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

\+ W.P.(CRL) 1831/2015

ANUJ JAIN & ANR

..... Petitioner

Through: Mr.Rajiv Singh Pilania and Mr.Rishi Tyagi, Advs.

versus

STATE (GOVT OF NCT DELHI) & ANR

..... Respondent

Through: Mr.Vishesh Wadhwa and Mr. Ankit Gulia, Advs. for Mr. R.S. Kundu, ASC for the State with Inspector Sanjeev Kumar, DIU/NE

CORAM:
HON'BLE MR. JUSTICE ASHUTOSH KUMAR

O R D E R

% 25.08.2015

Crl.M.A.12280/2015

Exemption granted subject to all just exceptions.

Application stands disposed of.

W.P.(CRL) 1831/2015

The petitioners by way of the present petition seek quashing of the FIR No.221/2012 dated 15.7.2012 registered with Bhajan Pura Police Station under Sections 379, 419, 420, 406 IPC and Sections 65, 66 C, 66 D of IT Act.

The respondent No.2, namely Mr. Vinod Bansal, lodged the FIR alleging that an amount of Rs.2,88,900/- was fraudulently diverted from recharge service account No.D011001825 of the complainant

and transferred the same and used it for recharging various other mobile numbers.

It was further alleged that sim cards of telephone numbers were sold by Mr. Mohinder Pal Bagga (petitioner No.2) and the ID password of petitioner No.1 (Anuj Jain) was used for recharging such sim cards.

Petitioner No.1 is a distributor of Nestle products and has undertaken other works also. He has been carrying out his business in a legitimate manner. Petitioner No.2 deals in the business of trading of electronic goods. Both the petitioners have not been involved in any criminal case up till now.

Since the petitioners had to maintain business relations with respondent No.2, they decided to settle the dispute amicably. For that purpose, the petitioners became ready to pay a sum of Rs.2,60,000/- towards full and final settlement of the claims of the respondent. A Memo of Understanding dated 4.7.2015 was also executed delineating terms of the agreement, payment of money by the petitioners to respondent No.2 and in turn the requirement of respondent No.2 to assist and facilitate the quashing of the subject (FIR No.221/2012, P.S.Bhajanpura).

The parties are present in Court along with their respective counsels. The dispute, giving rise to the subject FIR (FIR No.221/2012) is purely personal in nature between the petitioners and respondent No.2.

Mr. Vishesh Wadhwa, proxy to Mr. R.S. Kundu, Additional Standing Counsel submits that the police has not yet concluded the investigation and no report under Section 173 CrPC has been submitted.

Considering the fact that the personal dispute between the petitioners and respondent No.2 has already been resolved, this Court is of the opinion that no useful purpose would be served in allowing the subject FIR to be investigated any further.

Considering the above facts and on the aforesaid premised reasons, the FIR No.221/2012 and all the emanating proceedings thereof are quashed.

The petition is disposed of.

ASHUTOSH KUMAR, J

AUGUST 25, 2015
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