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

Judgment delivered on: 7th December, 2015

+ CRL.M.C. 4778/2015

SARABJIT KAUR

..... Petitioner

Represented by: Mr. Abhinav Tyagi, Adv.

versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Represented by: Mr. Izhar Ahmad, APP for

State with SI Kuldeep Singh, PS-Vikas Puri.

Mr. Arun Bhardwaj, Sr. Adv. for respondent no.

2.

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. petitioner seeks directions thereby quashing of FIR No. 1109/2015 registered at PS-Vikas Puri for the offences punishable under Sections 420/406 IPC against her.

2. Learned counsel appearing on behalf of the petitioner submits that the aforesaid case was registered on the complaint of respondent No.2, who thereafter settled the disputes with the petitioner vide memorandum of understanding dated 04.12.2015, which is produced today in the Court and is taken on record. As per the aforesaid MOU, respondent no.2 shall pay an amount of Rs.4 Crore in favour of the petitioner and on receiving the same; petitioner shall get a sale deed executed in favour of respondent no. 2 within seven days from the date of execution of the MOU.

3. Ld. Counsel further submits that both the parties will remain bound by the aforesaid memorandum of understanding and the petitioner shall execute the documents as per the said MOU subject to payment of Rs.4 Crore by respondent no.2 in her favour. Thus, the present petition may be allowed.

4. Respondent no. 2 is personally present in the Court with his Counsel named above. He has been duly identified by SI Kuldeep Singh, Investigating Officer of the case. Ld. Sr. Counsel on instructions does not dispute whatever stated by the counsel for the petitioner and submits that matter has been settled between the parties and as per the settlement; petitioner shall execute the documents in favour of respondent no.2 on receiving the amount of Rs.4 Crore from him. He further submits that since, the petitioner is an American Citizen; therefore, she will leave the country only after getting the documents executed.

5. It is not in dispute that the petitioner has already received an amount of Rs.40,00,000/- from respondent no.2.

6. The petitioner is personally present in the Court and has undertaken that she will leave the country only after getting the documents executed in favour of respondent no. 2. Ld. Sr. Counsel appearing on behalf of respondent no. 2 has no objection to this and submits that the present petition may be allowed.

7. On the other hand, ld. APP appearing on behalf of the State submits present case pertains to commercial disputes and is at the initial stage of investigation. He further submits that though the respondent no.2 has come forward to quash the FIR mentioned above, however, in this

process, Govt. machinery has come into motion and precious public time of the Court has been consumed. Thus, if this Court is inclined to quash the FIR mentioned above, heavy costs be imposed upon the parties.

8. Undisputedly, offence punishable under Section 420/406 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.

9. Both the parties who are present in the Court today, approbate the aforesaid settlement dated 04.12.2015 and undertake to remain bound by the same.

10. In view of the above discussion, considering the settlement arrived at between the parties and the statement 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.

11. Consequently, FIR No. 1109/2015 registered at PS-Vikas Puri for the offences punishable under Sections 420/406 IPC and all proceedings emanating therefrom, are hereby quashed.

12. Before parting with the instant petition, I find force in the submission of Id. APP for State on the issue of cost. However, counsel for the petitioner and respondent no. 2 has come forward to contribute an amount of Rs.1,00,000/- each for some welfare purposes.

13. Accordingly, they are directed to deposit the said amount in the account of Prime Minister's National Relief Fund within one week under

prior intimation to the IO concerned. Proof of the same shall also be placed on record.

14. The IO of this case is directed to hand over the passport of the petitioner after registration of the sale deed.

15. I hereby make it clear that any of the documents signed by the petitioner till date will not be used against her.

16. Needless to state that since the FIR is quashed, concerned IO shall take steps to withdraw the look-out notice issued against the petitioner.

17. In view of above terms, the present petition is allowed.

18. A copy of this order be given *dasti* under the Signatures of the Court Master.

Crl. M.A. 17228/2015

Dismissed as infructuous.

**SURESH KAIT
(JUDGE)**

DECEMBER 07, 2015

jg