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

Judgment delivered on: 15th December, 2015

+ **CRL.M.C. No.5091/2015**

RUCHI BEDI

..... Petitioner

Represented by: Mr.M.Haneef, Adv.

versus

JAMAL AKHTAR & ORS

..... Respondents

Represented by: Mr.Anil Vyas, Adv for R1
with respondent No.1 in
person.

Mr. Ravi Nayak, APP for the
State with SI Suresh Sharma,
PS Kalkaji, Delhi in person
for R2.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

SURESH KAIT, J. (Oral)

Crl. M.A. No.18337/2015 (Exemption)

Exemption allowed, subject to all just exceptions.

Accordingly, the application is allowed.

CRL.M.C. No.5091/2015

1. Vide the present petition filed under Section 482 of the Code of Criminal Procedure, 1973, petitioner seeks quashing of FIR No. 954/2006 registered at Police Station Kalkaji, New Delhi for the offences punishable under Sections 420/406/120B of the IPC and the consequential proceedings emanating therefrom against them.

2. Learned counsel appearing on behalf of the petitioner submits that the aforesaid case was registered on the complaint of respondent No.1 Sh.Jamal Akhtar. Police charge sheeted the petitioner. Meanwhile, the respondents No.1 has amicably settled his disputes with the petitioner vide Compromise Deed dated 25.05.2011 before Mediation Centre, Tis Hazari Courts, Delhi for a total sum of Rs.3.00 Lac; out of which an amount of Rs.1.00 Lac was paid on the date of settlement before the said Mediation Centre and balance amount of Rs.2.00 Lac was paid in cash before learned Link Magistrate on 30.05.2012. Thus, respondent No.2, on receipt of settled amount, does not wish to pursue the matter anymore and has no objection, if the present petition is allowed.

3. Respondents No.1 is personally present in the Court through learned counsel above named and has been duly identified by the Investigating Officer of the case. Learned counsel for respondent No.1 under instructions does not dispute the submissions made by learned counsel for petitioner. Further submits that the matter has been settled with the petitioner, thus, he does not wish to pursue his case further and has no objection if the present petition is allowed.

4. Learned Additional Public Prosecutor appearing on behalf of the State submits that chargesheet has been filed by the police and matter is pending trial against petitioner. Since the parties have amicably settled the matter before Mediation Centre, noted above and the respondent No.1/complainant does not wish to pursue the case against the petitioner, therefore, looking to the overall circumstances, no useful purpose will be served in continuing the proceedings. Thus, the State has no objection if

the present petition is allowed.

5. Undisputedly, offence punishable under Section 406/420 of the IPC is compoundable and matter is pending trial before learned Trial Court. The parties invoked the jurisdiction of this Court under Section 482 Cr P C, instead of moving before learned Trial Court for compounding the matter.

6. However, both the parties who are present in the Court today, approbate the aforesaid settlement dated 25.05.2011 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 respondent Nos.1 and 2, 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.954/2006 registered at Police Station Kalkaji for the offences punishable under Sections 406/420/120B of the IPC and all proceedings emanating therefrom, are hereby quashed qua the petitioner.

9. Accordingly, the present petition is allowed.

Crl.M.A.No.18338/2015 (Stay)

Dismissed as infructuous.

**SURESH KAIT
(JUDGE)**

DECEMBER 15, 2015/M