

IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 10.05.2016

W.P.(CRL) 338/2016 & CRL.M.A. 1848-1849/2016

TRILOK SINGH

..... Petitioner

Through: Mr Atul Kumar Sharma, Advocate.

versus

STATE OF DELHI & ANR

..... Respondents

Through: Mr Sanjay Lao, Addl. Standing
Counsel (Crl.) for State.

Respondent No.2 in person.

SI Uma Dutt, PS- Mangolpuri.

CORAM:

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

1. The present is a petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) seeking quashing of FIR No.823/2010, under Sections 406/420/453/465/467/468/506/34 IPC, registered at Police Station- Mangol Puri, Delhi and the proceedings arising therefrom.

2. The subject FIR was registered on a complaint by Smt. Kusum Dass, wife of Sh. Ram Dass against the petitioner herein as well as one Dr. D.H.Dahate alleging that the latter had forcibly occupied her Flat No.11, Bhagwan Buddha Co-operative Group Housing Society, Parwana Road, Pitampura, New Delhi- 110036 and forged and fabricated a rent deed in this behalf.

3. Subsequent upon the registration of the subject FIR the petitioner was arrested and has since been enlarged on regular bail.

4. Mr Sanjay Lao, learned Additional Standing Counsel (Crl.) appearing for the State, informs this court that a challan in the subject FIR has since been filed against the petitioner as well as the said Dr. Dahate.

5. However, the complainant Smt. Kusum Dass, who is present in person and has been identified by the IO in the subject FIR, namely, SI Uma Dutt, PS- Mangol Puri, states that with the aid and assistance of the Mediation Centre, Rohini Distt. Courts, Delhi, she has entered into a settlement dated 19.10.2011 in CS No.132/11 between the present parties titled *Kusum Das v. Trilok Singh & Ors.* The salient terms of the aforesaid settlement dated 19.10.2011 are as follows:

“1) That, it is settled between the parties that defendant no.1/tenant Sh. Trilok Singh has already vacated the rented accommodation i.e. property bearing Flat no. 11, Bhagwan Buddha Cooperative Group Housing Society Ltd., Parwana Road, Pitam Pura, New Delhi- 110036 and that the vacant peaceful possession has been handed over to the plaintiff on 13.10.2011.

2) That, plaintiff Ms. Kusum Das has already paid the settled amount of Rs.4,00,000/- to the defendant Trilok Singh on 13.10.2011 against receipt.

3) That, it is settled that the parties shall make appropriate statements before Ld. Court concerned today itself for passing a consent decree in terms of the present settlement and MOU, copy of which is Mark A.

4) That, it is settled that the abovesaid connected case shall be got quashed/compounded by the parties on the date of its hearing i.e. 18.11.2011.

5) That, there remains no claim/dispute/difference due between the parties with regard to the present cause of action in terms of this settlement and that the parties shall not file any other case/claim etc. against each other in future qua the present cause of action.

6) That, the parties have entered into the present compromise/settlement without any pressure, coercion, fear or undue influence from any side.

7) That, the parties shall remain bound by the terms of present settlement and also the MOU Mark A and that the parties shall co-operate for performance of the same.”

6. Pursuant to the above stated settlement dated 19.10.2011 the possession of the said premises has been recovered by the complainant.

7. In view of the afore-stated position, the complainant states that she does not wish to prosecute the subject FIR any further.

8. In the present case, it is observed that the offences in the subject FIR do not fall within the exempted categories of serious/heinous offences which ought not to be quashed on the ground of an amicable resolution of the disputes. [Ref. *Gian Singh vs. State of Punjab and Anr.* reported as (2012) 10 SCC 303]. The offences alleged to have been committed in the subject FIR are private in nature and do not have a serious impact on society.

9. In view of the foregoing, since the dispute over the possession of a property, which led to the registration of the subject FIR, has been resolved amicably by and between the parties without any undue influence, pressure or coercion, no useful purpose will be served by proceeding with the subject FIR.

10. Resultantly, FIR No.823/2010, under Sections 406/420/453/465/467/468/506/34 IPC, registered at Police Station- Mangol Puri, Delhi and the proceedings arising therefrom are hereby set aside and quashed qua the petitioner subject to his depositing a sum of Rs.50,000/- with the Victims' Compensation Fund within a period of four weeks from

today. A copy of the receipt thereof shall be provided to the IO in the subject FIR.

11. With the above directions the present writ petition is allowed and disposed of accordingly.

SIDDHARTH MRIDUL, J

MAY 10, 2016

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