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

Judgment delivered on: 12th January, 2016

+ **CRL.M.C. No.404/2013**

TARUN RASTOGI Petitioner
Represented by: Mr. Rajesh Rai, Adv.

versus

STATE & ORS. Respondents
Represented by: Mr. G.M. Farooqui, APP for
State with SI Mukesh, PS-
Barakhamba Road.

CORAM:
HON'BLE MR. JUSTICE SURESH KAIT

SURESH KAIT, J. (Oral)

1. Vide the present petition; petitioner seeks directions thereby quashing of FIR No. 182/2009 registered at PS-Barakhamba Road for the offences punishable under Sections 420/408 IPC.
2. The present petition has been filed on the ground that vide memorandum of understanding dated 10.06.2010, matter has been settled with the respondent no.2, i.e., the informant of the FIR. Thereafter, vide order dated 16.06.2010, passed by Id. Special Judge, NDPS (Vacation Judge), the matter has been settled between the petitioner and respondent nos. 3, 4 and 5. Accordingly, petitioner paid an amount of Rs.70,000/- to respondent no. 3 and Rs.85,000/- each to respondent nos. 4 and 5.
3. Pursuant to order dated 04.02.2013, services have been effected

upon respondent nos. 2, 3 and 5. Despite, none appeared on their behalf as is recorded in order dated 12.07.2013.

4. As regards the service upon respondent no. 4 pursuant to order dated 04.04.2014 is concerned, service effected through speed post returned back undelivered with the report that respondent no. 4 has left the premises without leaving details of the current address.

5. Ld. APP appearing on behalf of the State submits that after investigation chargesheet has been filed. However, the charges are yet to be framed.

6. Since, none appeared on behalf of the respondents despite the services effected upon them, the Investigating Officer concerned has no knowledge whether the settlement has been taken with the respondents mentioned above.

7. Be that as it may, believing on memorandum of understanding dated 10.06.2010 to be true and relying upon order dated 16.06.2010 passed by the Court mentioned above, I hereby quashed the FIR No.182/2009 registered at PS-Barakhamba Road for the offences punishable under Sections 420/408 IPC with all proceedings emanating therefrom against the petitioner.

8. Accordingly, the petition is allowed.

**SURESH KAIT
(JUDGE)**

JANUARY 12, 2016

jg