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

+ **W.P.(CRL) 203/2016**

**RAJEEV KUMAR MISHRA**

..... Petitioner

Through: Mr.RCS Bhadoria, Advocate

versus

**STATE OF NCT DELHI & ANR**

..... Respondents

Through: Ms.Nandita Rao, A.S.C. for the State  
SI Prateek Bansal, PS Anand Vihar

**CORAM:**

**HON'BLE MS. JUSTICE PRATIBHA RANI**

**ORDER**

% **22.01.2016**

**Crl.M.A. No.1123/2016 (Exemption)**

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

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1. The present writ petition has been filed by the petitioners under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure for quashing of FIR No.137/2014, under Section 420 IPC, registered at P.S. Anand Vihar, Delhi and consequential proceedings arising therefrom.

2. Briefly stating, the FIR in question has been registered on the basis of statement made by respondent No.2/complainant in respect of the dispute that arose between him and the petitioner regarding a transaction in respect of sale of second and third floor with roof rights of Property No.D-322, Anand Vihar, Delhi.

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3. It is mentioned in the petition that pending investigation in the FIR in question, Execution petition Nos. 290/2014 and 291/2014 were filed. Petitioner filed OMP Nos.347/2015 and 348/2015 in above execution petitions the respondent No.2 filed objections to it. During pendency of above petitions the parties have arrived at an amicable settlement and respondent No.2 has received the entire settlement amount of Rs.32 lacs.. Copy of the Affidavit to this effect has also been annexed to this petition, which is annexed as Annexure P-3.

4. Petitioner and Respondent No.2 are present in person alongwith their counsel.

5. Learned counsel for the petitioner submits that the parties have arrived at an amicable settlement out of their own sweet will. Learned counsel for the petitioner further submits that since the parties have settled their disputes amicably and complainant/respondent No.2 is not left with any grievance whatsoever against the petitioner, no useful purpose would be served by continuance of criminal proceedings against the petitioner, hence FIR in question may be quashed.

6. Respondent No.2/complainant submits that he has settled the dispute with the petitioner and he has received a sum of ₹32 lacs from the petitioner. Respondent No.2 further submits that he has no objection if the FIR in question is quashed qua the petitioner.

7. On behalf of the State, it is submitted that currently the trend emerging is to initiate criminal proceedings to pressurize the other party to make the payment/settle the dispute in order to avoid arrest and prosecution. Thus, the complainant party is able to get the recovery effected without filing any civil suit or paying any court fee and in fact execution takes place

on a non-existent decree so some cost must be imposed on the parties for wasting the precious time of the Court and using the State machinery virtually as a recovery agency.

8. On behalf of the petitioners, it is submitted that they are ready to contribute the amount, considered reasonable by the Court, for the purpose of charity and benefit of that strata of society needing such help.

9. In view of the aforesaid amicable settlement arrived at between the parties, I am of the considered view that no useful purpose would be served by continuing the criminal proceedings against the petitioner, which will only be an exercise in futile and wastage of precious time of the Court.

10. Accordingly, the petition is allowed and FIR No.137/2014, under Section 420 IPC, registered at P.S. Anand Vihar, Delhi and all the proceedings arising therefrom are hereby quashed.

11. The petitioner and respondent No.2 are directed to deposit a sum of ₹15,000/- each (total cost of ₹ 30,000/-) with the “Army Central Welfare Fund” at Director, Accounts Section, Room No.281B, Ceremonial and Welfare Directorate, Adjutant General’s Branch, South Block, Integrated HQ of MoD (Army), New Delhi, within four weeks from today and proof thereof shall be filed in the Registry within a week thereafter.

12. A copy of this order be sent to the Director, Accounts Section, Room No.281B, Ceremonial and Welfare Directorate, Adjutant General’s Branch, South Block, Integrated HQ of MoD (Army), New Delhi for information.

As prayed, copy of the order be given dasti to learned counsel for the parties.

**PRATIBHA RANI, J.**

**JANUARY 22, 2016**

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