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

+ W.P.(CRL) 189/2016

SURENDER & ORS

..... Petitioners

Through: Mr.Manoj Ohri, Sr.Advocate with
Mr.Jugal Bagga, Advocate for petitioners 1 to 4.

versus

STATE & ANR

..... Respondents

Through: Ms.Kamna Vohra, A.S.C. for the
State

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **22.03.2016**

1. This petition is filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure for quashing of FIR No.1221/2015 under Sections 387/34/120-B registered at P.S.Amar Colony, Delhi and consequential proceedings arising therefrom.

2. The facts leading to the registration of the case FIR No.1221/2015 under Sections 387/34/120-B registered at P.S.Amar Colony, Delhi are that respondent No.2 had lodged a complaint against Petitioners that the petitioners approached the complainant and represented themselves as CBI Officers and told the complainant that they have got a complaint against his business. During the investigation, the matter was compromised between the parties wherein the parties have arrived at an amicable settlement. The compromise deed is also placed on record as Annexure P-1.

3. Learned counsel for the petitioners submits that the matter in dispute

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has been amicably settled by the parties and no purpose would be served in prosecuting the petitioner, therefore, the FIR may be quashed. He further submits that Rs.1.5 lacs has already been paid to respondent No.2 and a further sum of Rs.1.5 lacs by way of Demand Draft is being handed over to the complainant today in Court.

4. Respondent No.2/complainant states that he has settled the matter with the petitioners and has no objection if the FIR in question as well as proceedings emanating therefrom are quashed. He further submits that he has received Rs.1.5 lacs earlier and today he has Demand Draft of Rs.1.5 lacs in Court and nothing further is pending against the petitioners.

5. On behalf of the State/R-1, learned Additional Standing Counsel submits that although the matter has been settled between the parties but the considering the allegations in the FIR, some costs may be imposed on the petitioners.

6. In view of the aforesaid compromise 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 Petitioners, which will only be an exercise in futile and wastage of precious time of the Court.

7. Accordingly, the petition is allowed and FIR No.1221/2015 under Sections 387/34/120-B registered at P.S.Amar Colony, Delhi and consequential proceedings arising therefrom are hereby quashed subject to deposit of cost by the Petitioners herein.

8. Petitioners are directed to deposit the cost of ₹1,00,000/- (Rupees One lac only) in total with the “Army Central Welfare Fund” at Director, Accounts Section, Room No.281B, Ceremonial and Welfare Directorate, Adjutant General’s Branch, South Block, Integrated W.P.(CRL) 189/2016

HQ of MoD (Army), New Delhi, within two weeks from today and proof thereof shall be placed on record.

9. 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.

10. Order Dasti.

PRATIBHA RANI, J.

MARCH 22, 2016

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