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

Judgment delivered on: 27th January, 2016

+ CRL.M.C. 314/2016

GAURAV GAUTAM

..... Petitioner

Represented by: Mr. Prabhoo Dayal Tiwari and
Ms. Manisha Tiwari, Advs.

versus

STATE (GOVT OF NCT OF DELHI)
& ORS

..... Respondents

Represented by: Mr. G.M. Farooqui, APP for
State with SI Pankaj Kumar, PS-Mayapuri.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

SURESH KAIT, J. (Oral)

Crl.M.A.No.1391/2016 (for exemption)

Exemptions allowed, subject to all just exceptions.

Accordingly, the application is allowed.

+ **CRL.M.C. 314/2016**

1. By way of the present petition filed under Section 482 of the Code of Criminal Procedure, 1973, petitioner seeks directions thereby quashing of FIR No.135/2014 registered at Police Station Mayapuri for the offences punishable under Sections 420/34 of the IPC and the consequential proceedings emanating therefrom against him.

2. Learned counsel appearing on behalf of the petitioner submits that the aforesaid case was registered on the complaint of respondent No.4, Mr. Madhav Prasad Yadav and matter is pending investigation with the

police. Meanwhile, the respondent No.4 has amicably settled his disputes with the petitioner vide Compromise Deed dated 05.10.2015 and received the entire agreed amount. On receipt of agreed amount, respondent No.4 is no more interested to pursue his case anymore against him and has no objection, if the present petition is allowed.

3. Respondent No.2 is personally present in the Court and has been duly identified by SI Pankaj Kumar, Investigating Officer of the case. He does not dispute as to what is stated by learned counsel for petitioner and consequent to settlement and receipt of entire amount, he does not wish to pursue this case further and has no objection if the present petition is allowed. The affidavit of respondent No.4 is at Page No.25 of the petition.

4. Learned Additional Public Prosecutor appearing on behalf of the State submits that matter is at the initial stage of investigation. Since the parties have amicably settled the matter and the respondent No.4/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 420 of the IPC is compoundable and matter is pending investigation with the police. As such, 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. Both the parties are present in the Court today, approbate to the aforesaid settlement dated 05.10.2015 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 No.4 and the learned counsel for the State, 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.135/2014 registered at Police Station Mayapuri for the offences punishable under Sections 420/34 of the IPC and all proceedings emanating therefrom, are hereby quashed against the petitioner.

9. Accordingly, the present petition is allowed.

Crl.M.A.No.1390/2016 (for Stay)

Dismissed as infructuous.

**SURESH KAIT
(JUDGE)**

JANUARY 27, 2016

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