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

Judgment delivered on: 23rd February, 2016

+ CRL.M.C. 764/2016

ASHADEEP SHARMA

..... Petitioner

Represented by: Mr. Manoj Sharma,
Mr. Shahid Ali Rao and Mr. Saurabh
Sharma, Advs.

versus

VIKAS NAIN & ANR

..... Respondents

Represented by: Respondent no. 1 in person.
Mr. Panna Lal Sharma, APP for State / R2
with SI Mukesh Kumar, PS-Bindapur.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

SURESH KAIT, J. (Oral)

1. By way of the present petition filed under Section 482 of the Code of Criminal Procedure, 1973, petitioner seeks quashing of FIR No.1286/2015 registered at Police Station Binda Pur for the offence punishable under Section 406 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.1, namely Vikas Nain and the matter is pending investigation with the police. Meanwhile, the respondent No.1 and petitioner have amicably settled their disputes vide Settlement Deed dated 01.01.2016

and pursuant thereto petitioner has already paid an amount of Rs.3,25,000/- to the respondent no.1 as full and final settlement. On receipt of agreed amount, respondent No.1 is no more interested to pursue his case anymore against the petitioner and has no objection, if the present petition is allowed.

3. Respondent No.1 is personally present in the Court and has been duly identified by the Investigating Officer of the case. Respondent No.1 does not dispute as to what is stated by learned counsel for petitioner and consequent to settlement and receipt of entire amount, respondent No.1 does not wish to pursue this case further and has no objection if the present petition is allowed. The affidavit of respondent No.1 is at Page No. 5 of the petition.

4. Learned Additional Public Prosecutor appearing on behalf of the State submits that matter is at the initial stage of investigation as the chargesheet is yet to be filed. Since the parties have amicably settled the matter and the respondent No.1/ 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 406 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 01.01.2016 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.1 and the learned APP 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.1286/2015 registered at Police Station Binda Pur for the offence punishable under Section 406 IPC and all proceedings emanating therefrom, are hereby quashed against the petitioner.

9. Accordingly, the present petition is allowed.

**SURESH KAIT
(JUDGE)**

FEBRUARY 23, 2016

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