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

+ W.P.(CRL) 728/2016

**ORCHID INFRASTRUCTURE DEVELOPERS
PRIVATE LTD.**

..... Petitioner

Through: Mr.Ashish Kr. Bhagat, Advocate with
Mr.Ajay Goel, Director of the
petitioner company.

versus

STATE & ANR

..... Respondents

Through: Mr.Sanjay Lao, ASC for the State for
Mr.Avninder Singh, A.S.C. for the
State with SI Mukesh Khata, PS B.K.
Road, New Delhi.
Ms.Priti Goswami, Advocate for R-2
with R-2/complainant in person.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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27.04.2016

1. By way of this writ petition filed under Article 226 of Constitution of India read with Section 482 Cr.P.C., petitioners are seeking quashing of FIR No. 78/2013 under Sections 420 IPC, registered at PS Barakhamba Road, Delhi and consequential proceedings arising therefrom on the basis of settlement arrived at between the parties.
2. The subject FIR came into existence on the complaint of complainant over dispute which arose between the parties over property being Villa No. 25 in Orchid Petals, Sector-49, Gurgaon, Haryana.
3. It has been stated that both the parties have arrived at an amicable

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settlement out of their own sweet will, without any pressure and force from any corner and complainant does not wish to pursue the criminal case against the Petitioners any further and want that the said FIR and all proceedings emanating therefrom may be quashed.

4. Learned counsel for the Petitioners submits that since the matter in dispute has been amicably settled between the parties, no purpose would be served in prosecuting the Petitioners any more, therefore, the FIR may be quashed. He further submits that copy of the affidavit of agreement/settlement dated 24.04.2014 has also been executed to this effect, copy of which has also been placed on record as Annexure B.

5. Respondent No.2/complainant is present in Court today alongwith his counsel. He submits that he has amicably settled the dispute with the Petitioners and is not interested in prosecuting the Petitioners and submits that the said FIR and all proceedings emanating therefrom may be quashed.

6. On behalf of the State, it is submitted that currently the trend emerging is to initiate criminal proceedings to pressurize the other party to settle the dispute in order to avoid arrest and prosecution, hence some cost must be imposed on the parties for wasting the precious time of the Court and using the State machinery.

7. 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 company, which will only be an exercise in futile and wastage of precious time of the Court. However, in the facts and circumstances of the case, it is desirable that the Petitioner company must be burdened with cost. Accordingly, the petition is allowed and FIR No. 78/2013 under Sections 420 IPC, registered

at PS Barakhamba Road, Delhi and consequential proceedings arising therefrom are hereby quashed. The parties shall abide by the terms of the settlement agreement as arrived at between the parties.

8. However, the Petitioner company is directed to deposit the cost of ₹25,000/- with the with the 'Home for Leprosy and T.B. Affected Beggars', Tahir Pur, Delhi- 110 093 within four weeks and copy of the receipt of depositing the cost be filed in the Registry.

9. The said amount of Rs.25,000/- shall be kept in the saving bank account and shall be utilized to meet day to day urgent needs of the inmates.

10. A copy of this order be sent to the Superintendent, Home for Leprosy and T.B. Affected Beggars, Tahir Pur, Delhi-110 093 for information and compliance.

Order *dasti*.

Crl.M.A.No.4086/2016

Dismissed as infructuous.

PRATIBHA RANI, J.

APRIL 27, 2016

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