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

+ **W.P.(CRL) 1861/2016**

AJAY KUMAR SONI

..... Petitioner

Through: Mr.Kulish Tanwar & Mr.Bharat
Kumar Sharma, Advocates with
petitioner in person

versus

STATE (GOVT OF NCT OF DELHI) & ANR

..... Respondents

Through: Ms.Richa Kapoor, A.S.C. for the
State with Ms.Mallika Parmar &
Ms.Ritika Bhalla, Advocates with
SI Dharmender PS DBG Road
Respondent No.2 in person

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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03.06.2016

CRL.M.A.9657/2016

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

W.P.(CRL) 1861/2016

1. The present writ petition has been filed by the Petitioners under Article 226 of Constitution of India read with Section 482 CrPC for quashing of FIR No.388/2014, under Sections 406/420 IPC, PS, Desh Bandhu Gupta Road, Delhi as well as consequential proceedings emanating therefrom, on the basis of settlement arrived at between the parties.

2. The facts in brief are that the respondent No.2/complainant and petitioner are distant relative and due to this acquaintance, the petitioner approached the respondent No.2 for purchasing jewelry ornaments. That after the business transaction, the petitioner failed to make the payment to the respondent as a result of which respondent filed a criminal complaint on 23rd April, 2013 vide DD No. 52 B in PS Desh Bandhu Gupta Raod, Delhi which later on converted into the FIR in question.

3. It is stated in the petition that during the pendency of the FIR, the parties have arrived at an amicable settlement with the intervention of the Delhi High Court Mediation and Conciliation Centre. The copy of the Settlement Agreement dated 20th January, 2016 has been annexed to the petition as Annexure P-3.

4. Learned counsel for the petitioner submits that the parties have arrived at an amicable settlement with the intervention of Delhi High Court Mediation and Conciliation Centre and now they are left with no grievance whatsoever against each other.

5. It is submitted by petitioner and respondent No.2 that they have agreed to approach the civil Court in case of any breach in terms and conditions of the Settlement Agreement dated 20th January, 2016. The statement of the petitioner and respondent No.2 to this effect has also been placed on record.

6. Learned counsel for the petitioner submits that since the matter in dispute has been amicably settled between the parties, no purpose would be served in prosecuting the Petitioner further, therefore, the FIR may be quashed.

7. The complainant/respondent No.2 is present in the Court and affirms

the factum of settlement arrived at between him and the petitioner vide Settlement Agreement dated 20th January, 2016. He further submits that he does not want the petitioner to suffer any further due to registration of this case and that he has no objection if the FIR in question is quashed qua the petitioner.

7. On behalf of State, it has been submitted that since the parties have arrived at an amicable settlement and all the issues have been resolved, appropriate orders may be passed.

8. The FIR registered against the present Petitioner is for committing the offences punishable under Sections 406/420 IPC. Offences punishable under Section 406/420 IPC are compoundable offences.

9. In view of the 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.388/2014, under Sections 406/420 IPC, PS, Desh Bandhu Gupta Road, Delhi and consequential proceedings arising therefrom are hereby quashed.

Order Dasti.

CRL.M.A.9656/2016

Dismissed as infructuous.

PRATIBHA RANI, J.

JUNE 03, 2016

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