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

\+ CRL.M.C. 2267/2016

KONE ELEVATOR INDIA P.LTD. ..... Petitioner

Represented by: Mr. Rishi Manchanda, Mr. Kunal Kher and Ms. Surbhi Banka, Advocates with Anil Mehta and Ajay Mishra, petitioners in person.

versus

STATE (GOVT. OF NCT OF DELHI) & ANR. ..... Respondents

Represented by: Mr.Ashok K. Garg, APP for the State with ASI Jagpal Singh, PS Vasant Kunj, South.
Mr. A.S. Shashtri and Mr. Mohd Shariq, Advocates for respondent No.2 with respondent No. 2 in person.

CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA

O R D E R

% **19.09.2016**

Amended memo of parties along with the affidavit of the newly added petitioner No. 3 along with the vakalatnama in favour of the learned counsel has been handed over. The same is taken on record.

By the present petition the petitioners seek quashing of FIR No. 265/2014 under Sections 288/338 IPC registered at PS Vasant Kunj South, Delhi on the complaint of Respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.

Learned APP for the State on instructions from the Investigating

Officers submits that Anil Mehta who was the in-charge of the petitioner No.1 company and Ajay Kumar Mishra, petitioner No.3 are the only accused in the above noted FIR and the respondent No.2 is the only complainant/victim in the above noted FIR.

The complainant/Respondent No. 2 Mr. Rahul Sharma who is present in Court and is identified by the learned counsel and the Investigating Officer states that he has settled the dispute with the Petitioners. He further states that he has received a sum of ₹3.50 lakhs vide Cheque No.048565 dated 30th August, 2016 drawn on Standard Chartered Bank, Mumbai from the petitioners and he has no claims whatsoever remaining against the petitioners. He also states that in terms of the settlement statement between the parties, he does not want to pursue the abovementioned FIR and the proceedings pursuant thereto.

Petitioner Nos. 2 and 3 who are present in Court and are identified by the counsel affirm the statement made by respondent No.2 and state that they will abide by the terms of the settlement.

In view of the fact that the parties have amicably resolved their differences of their own free will, volition and without any coercion and no useful purpose will be served in continuance of the proceedings, rather the same would create further acrimony between them, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

Consequently, FIR No. 265/2014 under Sections 288/338 IPC registered at PS Vasant Kunj South, Delhi and proceedings pursuant thereto

are hereby quashed.

Parties have signed this order sheet in acknowledgment of their statements made before this Court.

The petition is disposed of. Order dasti.

MUKTA GUPTA, J.

SEPTEMBER 19, 2016
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