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

+ BAIL APPLN. 1312/2016

VIMAL JINDAL

..... Petitioner

Through: Mr Deepak Sharma, Advocate.

versus

THE STATE (GOVT OF NCT DELHI)

..... Respondent

Through: Mr Sudershan Joon, APP.
Mr Arpit Batra, Advocate for
complainant.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

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24.06.2016

The present application under Section 438 of the Code of Criminal Procedure, 1973, seeks pre-arrest bail in FIR No.263/2012 under Sections 406/420/468 IPC registered at Police Station- Paschim Vihar.

Notice.

Mr Sudershan Joon, learned APP, accepts notice on behalf of the State.

The subject FIR came to be registered on an allegation made by Sh. Dev Batra to the effect that the applicant had cheated him during the course of a transaction involving immoveable property.

Counsel appearing on behalf of the applicant as well as counsel appearing on behalf of the complainant, in unison, invite my attention to a memorandum of understanding made at Delhi on 09.05.2016 by and between the parties. The salient terms and conditions of the aforesaid memorandum of understanding dated 09.05.2016 are as follows:-

“WHEREAS, a FIR bearing no.263/2012 Under Section- 406/420/468 IPC was registered against the FIR Party with P.S Paschim Vihar, Delhi at the instance of Second Party.

AND WHEREAS with the intervention of the common friends of both the Parties the matter under the present Fir has been amicably settled between the parties.

AND WHEREAS the total consideration amount settled between the parties is Rs.5,00,000/- (Rupees Five Lakhs) and out of the total agreed amount of Rs.5,00,000/- the First Party has paid Rs.1,00,000/- (Rupees One Lakh) in cash and Rs.50,000/- vide cheque bearing no.038401 dated 09.05.2016 drawn on Union Bank of India, Paschim Vihar, New Delhi at the time of signing of the present MOU dated 09.05.2016 and remaining amount of Rs.3,50,000/- (Rupees Three Lakh Fifty Thousand only) shall be paid in four installments payable through four Cheques bearing no.038402 for Rs.50,000/- dated 30.05.2016, Cheque bearing no.038404 for Rs.1,00,000/- dated 15.07.2016, Cheque bearing no. 038405 for Rs.1,00,000/- dated 30.08.2016, Cheque bearing no.038406 for Rs.1,00,000/- dated 15.10.2016 all drawn on Union Bank of India Paschim Vihar, New Delhi, to the Second Party at the time of quashing of FIR no. 263/2012 before the Hon'ble High Court of Delhi by the First Party.

WHEREAS NOW the parties are living peacefully without any grudge of whatsoever against each other.

WHEREAS the Parties to this MOU are now maintaining cordial and harmonious relations with each other.

WHEREAS now the Second Party does not wish to continue with the above referred FIR and has no objection if FIR registered against the Petitioner is Quashed by the Hon'ble High Court of Delhi or during the pendency”

A perusal of the relevant terms and conditions, as extracted hereinabove, reveals that the complainant has agreed to join the applicant in seeking quashing of the subject FIR subject to the applicant complying with the obligations as enshrined in the said memorandum of understanding in relation to the milestone payments to be received by the former.

Mr Deepak Sharma, learned counsel appearing on behalf of the applicant, states that the latter undertakes to comply with the terms and conditions as contained in the memorandum of understanding, particularly insofar as they relate to the payment of monies to the complainant without demur on the dates fixed therefor.

In view of the foregoing, no useful purpose will be served by requiring the custodial interrogation of the applicant. Even otherwise, it is an admitted position that the applicant has clean antecedents.

Resultantly, the present application is allowed. In the event of his arrest the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with two sureties of the like amount to the satisfaction of the Arresting Officer/Station House Incharge.

The application is disposed of accordingly.

Dasti.

**SIDDHARTH MRIDUL
(VACATION JUDGE)**

JUNE 24, 2016

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