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

+ **W.P.(CRL) 2208/2016**

HARPREET SINGH

..... Petitioner

Through: Mr. Inder Bir Singh, Advocate.

versus

STATE & ANR.

..... Respondents

Through: Ms. Richa Kapoor, ASC and
Ms.Mallika Parmar, Advocate for the
State.

Mr. Sarvendra M. Tripathi, Advocate
for respondent No.2.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

01.08.2016

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Crl. M.A. No.11560/2016

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(CRL) 2208/2016

Issue notice. Ms. Kapoor accepts notice on behalf of the State.
Notice is accepted by respondent No.2 through his special attorney
Mr.Sarvendra M. Tripathi, Advocate, who is present in Court.

This petition seeks quashing of the FIR No.177/2015 dated

10.12.2015 registered under Section 419 /420 / 120B IPC at Police Station – Crime Branch, Delhi on the complaint of respondent No.2 against the petitioner. The grievance of the complainant was that he had booked a room in the hotel of the petitioner, which was not made available to him on his arrival and that he had been defrauded. Respondent No.2 is a foreign national. He has executed an affidavit in support of the present petition stating that he has compromised his dispute with the petitioner. The petitioner has transferred an amount of 27835.73 Indian Rupees, i.e. 348 Euros on 08.04.2016 in favour of the respondent No.2 in satisfaction of his grievance and claim. He has also appointed a special power of attorney to appear before the Court and states that he has no grievance outstanding. The special power of attorney Mr. Sarvendra M. Tripathi, Advocate states that he has no objection to the FIR being quashed in view of the settlement reached between the parties.

Learned counsel for the petitioner submits that this is a first such case where a foreign tourist has been defrauded, as alleged. He submits that he had acted through a broker, namely Pulkit.

Since the complainant is a foreign national, who is not likely to return to India to depose in the case, the chances of the prosecution obtaining the conviction are remote.

Ms.Kapoor submits that the complaint of another foreigner also involving Pulkit and another hotelier is tagged along with the present FIR and is under investigation. She submits that investigation in respect of the said complaint shall proceed.

In view of the aforesaid, the proceedings in the present FIR against the petitioner stands quashed subject to costs of Rs.25,000/- in the Prime

Minister's National Relief Fund. The same be deposited within two weeks and receipt be provided to the Investigating Officer.

Dasti.

VIPIN SANGHI, J

AUGUST 01, 2016

B.S. Rohella