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

+ **W.P.(CRL) 2563/2016**

KULDEEP SINGH & ORS.

..... Petitioners

Through

:Mr. M.S. Ahluwalia and Ms. H. Wadhwa, Advs.

versus

STATE & ANR.

..... Respondents

Through

:Mr. Jamal Akhtar, Adv. for Mr. Rahul Mehra, Standing Counsel with SI Vikram Singh, P.S. Punjabi Bagh for the State

Mr. Ram Thakur, Adv. for the complainant with Special Power of Attorney of the complainant/ respondent no. 2 in person

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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01.09.2016

Crl. M.A. Nos. 13560-61/2016 (exemption)

Allowed, subject to all just exceptions. Applications are disposed of.

W.P.(CRL) 2563/2016

Present FIR No. 791/2015 was registered at Police Station Punjabi Bagh under Sections 448/341/351/34 IPC on the complaint of respondent no. 2 against the petitioners. Respondent no. 2 alleged in the FIR that on 30th July, 2015 petitioners had trespassed his property, that is, front portion

of the first floor of property no. C-17, North West Avenue Road, Punjabi Bagh, New Delhi. It is submitted that there was a property dispute between one Shri Sushil Malhotra and the respondent no. 2 in respect of the said portion of the property, which has been settled vide Memorandum of Understanding dated 5th August, 2015 executed between the respondent no. 2 and his wife on one hand and Shri Sushil Malhotra, his wife Smt. Sunita Malhotra and Smt. Aashita Talreja @ Malhotra on the other. CS(OS) No. 2349/2012 qua the same property was also pending between Malhotras and respondent no. 2 in this Court, inasmuch as FIR No. 382/2010 under Sections 323/324/341/506/34 IPC was also registered at Police Station Punjabi Bagh against Smt. Sunita Malhotra, Shri Sushil Malhotra etc. on the complaint of respondent no. 2. The said cases were settled on the Malhotras paying ₹35,00,000/- to the respondent no. 2. Civil suit pending between the Malhotras and respondent no. 2 has already been disposed of, in view of the settlement arrived at between them, inasmuch as FIR No. 382/2010 has also been disposed of on 6th August, 2015 in CrI. M.C. No. 3673/2013. On that occasion, Malhotras had paid ₹25,00,000/- to the respondent no. 2. Malhotras had agreed to pay ₹10,00,000/- to the respondent no. 2 at the time of quashing of the present FIR, which has been

registered against the petitioners. Respondent no. 2 is stated to be confined to bed due to his ailments. Respondent no. 2 is being represented by his wife Smt. Jyoti Sharma, in whose favour, respondent no. 2 has executed a Special Power of Attorney, which has been placed on record. Smt. Jyoti Sharma is present in Court today and has also produced affidavit of respondent no. 2, wherein he has stated that he has no objection in case the present FIR is quashed. Smt. Jyoti Sharma submits that she has already received ₹10,00,000/- from Malhotras vide a demand draft favouring respondent no. 2 dated 17th August, 2016 for ₹10,00,000/- drawn on UCO Bank, Karol Bagh, New Delhi. She has produced a photocopy of the demand draft, which has been taken on record. Smt. Jyoti Sharma submits that she has no objection in case the FIR is quashed. It is noted that investigations are still pending.

Keeping in mind the above facts, in view of the settlement arrived at between the parties and in the interest of justice, FIR No. 791/2015 registered at Police Station Punjabi Bagh under Sections 448/341/451/34 IPC is quashed. Petition is disposed of in the above terms. Dasti.

A.K. PATHAK, J.

SEPTEMBER 01, 2016

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