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

+ CRL.M.C. 3249/2016 & CrI.M.A. 13873/2016

JAYDEV ALIAS JAIDEB BANNERJEE & ANR. Petitioner

Represented by: Mr. Vishav Chhabra, Adv.

versus

STATE (NCT OF DELHI)

..... Respondent

Represented by: Ms. Rajni Gupta, APP with SI

Sandeep Shrivastava, PS

Maurya Enclave.

Mr. Vishnu Sharma, Adv. with
R-2.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

15.12.2016

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By the present petition, the petitioners seek quashing of FIR No.68/2012 under Sections 408/381/477A/411/34 IPC registered at PS Maurya Enclave on the complaint of respondent No.2 and proceedings pursuant thereto as the parties have settled the matter.

Learned APP for the State on instructions from the investigating officer states that in the above noted FIR the two petitioners are the only accused and respondent No.2 the only complainant/victim. She further states that Mr. Akhil Gupta, respondent No.2 though lodged the complaint in his own right however the property misappropriated by the two petitioners i.e. gold necklace and gold bracelet belonged to the company Gitanjali Jewellery Retail Ltd. (in short 'Gitanjali Jewels'). Authorization in favour of Mr. Akhil Gupta by the company Gitanjali Jewels has been handed over

in Court, which is taken on record.

The allegations in the above noted FIR are with regard to misappropriation of gold necklace and gold bracelet by petitioner No.1 and during the course of investigation, the gold necklace was recovered at the instance of petitioner No.1 whereas gold bracelet was recovered at the instance of petitioner No.2. Both the gold jewellery were seized by the investigating officer vide seizure memos dated 23rd February, 2012. The two gold jewellery articles are lying in the Malkhana.

Respondent No.2 who is present in Court and identified by learned counsel and the investigating officer states that he has entered into a settlement with the petitioners on his behalf and on behalf of the company Gitanjali Jewels and as per the settlement, respondent No.2 does not wish to pursue the above noted FIR and proceedings pursuant thereto against the petitioners and the two gold jewellery articles recovered during investigating would be entitled to be released to the company Gitanjali Jewels. He states that the compromise deed, a copy of which is enclosed at pages 22 and 23 of the paper book, has been entered into between the parties of their own free will, volition and without any coercion. The petitioners who are present in Court and identified by learned counsel affirm the statement of respondent No.2 and state that they will abide by the terms of settlement.

Since the matter has been settled between the parties, no useful purpose will be served in continuing with the trial. There is no legal impediment in quashing the FIR in question.

Consequently, FIR No.68/2012 under Sections 408/381/477A/411/34 IPC registered at PS Maurya Enclave, Delhi and proceedings pursuant thereto are hereby quashed. The investigating officer is directed to release

the two gold jewellery articles i.e. gold necklace and gold bracelet seized vide seizure memos dated 23rd February, 2012 to Mr. Akhil Gupta, respondent No.2 the maker of the FIR in question and authorised representative of the company Gitanjali Jewels.

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

The petition and application are disposed of. Order dasti.

MUKTA GUPTA, J.

DECEMBER 15, 2016
‘v mittal’