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

+ CRL.M.C. 3452/2016 & CrI. M.A.14589/2016

CHAMANDEEP SINGH & ORS.

..... Petitioners

Represented by: Ms. Kadambari Singh Puri,
Advocate

Mr. Vishwendra Verma,
Advocate for accused
Amandeep Singh, Charanpreet
Singh & Manpreet Kaur

versus

STATE & ANR.

..... Respondents

Represented by: Mr. Hirien Sharma, APP with
Inspector Rakesh Kumar,
PS:Barakhamba Road, New
Delhi

Mr. B.K. Singh & Mr.
Abhishejk Kishore, Advocates
for respondent No.2

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

06.10.2016

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By the present petition, the petitioners, Chamandeep Singh, Harpreet Kaur, Parvinder Kaur and Avtar Singh seek quashing of FIR No.105/2013 under Sections 408/420/467/468/471/120B IPC registered at PS:Barakhamba Road, New Delhi on the complaint of respondent No.2, M/s. Pacific Travels, registered partnership firm through its partner, Aziz Zaidi, on the ground that the parties have settled the matter.

The learned APP for the State submits that, in the above-noted FIR, seven accused were arrayed, when the chargesheet was filed, i.e., four petitioners and the three accused, namely, Amandeep Singh, Charanpreet Singh and Manpreet Kaur. The order of cognizance of the learned Metropolitan Magistrate was challenged by accused Amandeep Singh, Charanpreet Singh and Manpreet Kaur and the learned Additional Sessions Judge, vide order dated 10.6.2016, set aside the summoning of the three accused, namely, Amandeep Singh, Charanpreet Singh and Manpreet Kaur and remanded back the matter. Thus, as on date, there is no order summoning these three accused persons passed by the learned Metropolitan Magistrate, since the earlier summoning order has been set aside. In the meantime, the four petitioners, i.e., Chamandeep Singh, Harpreet Kaur, Parvinder Kaur and Avtar Singh have entered into a settlement with Aziz Zaidi, for which a Conciliation Award/Settlement, dated 12.9.2016, was passed by the Sole Conciliator, Shri Puneet Khurana. A copy of the Conciliation Award/Settlement has been placed as Annexure-3 to the present petition (from pages 135 to 142 of the paper-book), which is duly signed by petitioner Nos.2, 3 and 4 and their counsel and Aziz Zaidi and his counsel. The Award has not been signed by petitioner No.1, who was in custody, but later on ratified the same. Petitioner No.1, who was in custody, has been released on interim bail by the learned trial Court on 28.9.2016 to facilitate his appearance before this Court to make statement on the basis of the settlement.

Mr. Aziz Zaidi, the partner of respondent No.2, M/s. Pacific Travels, the complainant in the above-noted FIR, is present in Court and is identified by his counsel and the Investigating Officer. He states that the parties have

resolved the matter, as the accounts between the petitioners and respondent No.2 have been settled. The petitioners have agreed to pay an amount of ₹77,33,409/- and the interest that accrued thereon and have transferred the residential plot ad measuring 700 sq. yds. at Nawa Sahar, Punjab in full and final settlement of all the claims of respondent No.2, which Aziz Zaidi accepts having received. He states that, in terms of the settlement, he has no claim whatsoever remaining against the four petitioners before this Court or Amandeep Singh, Charanpreet Singh and Manpreet Kaur, who were initially summoned and does not wish to pursue the above-noted FIR and the proceedings pursuant thereto either against the four petitioners or the three accused persons named hereinbefore, who were initially summoned, which order of summoning has been set aside by the learned Additional Sessions Judge.

Petitioner Nos.1 to 4, who are present in Court and are identified by their learned counsel and the Investigating Officer, affirm the statement of respondent No.2 and state that they would abide by the terms of Settlement arrived at between the parties.

The above-noted FIR was essentially a financial dispute between the petitioners and Aziz Zaidi, wherein the allegations were that, while working with respondent No.2 firm, petitioner No.1 opened a competing business and diverted the customers to the said business.

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.105/2013 under Sections 408/420/467/468/471/120B IPC registered at PS:Barakhamba Road, New Delhi and the proceedings pursuant thereto are hereby quashed.

The parties to the present petition and Amandeep Singh, Charanpreet Singh and Manpreet Kaur, who are identified by their counsel, have signed the ordersheet in acknowledgment of their statements made before this Court.

The petition is disposed of. Order *dasti*.

MUKTA GUPTA, J.

OCTOBER 06, 2016
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