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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 2678/2015 and Crl.M.A.No.17017/2015**

M/S NITISHREE INFRASTRUCTURE LTD & ORS Petitioners

Through: Mr.Praveen Mahajan, Advocate for
petitioner Nos. 2 to 4 along with
petitioners Nos. 2 to 4 present in
person.

versus

MC GUPTA & ANR

..... Respondents

Through: Mr.R.S.Kundu, A.S.C. for the State
with Mr.Vishesh Wadhwa, Advocate
with SI Pramod Kumar PS Ghajipur
Respondent No.1 present in person.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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15.02.2016

1. The present writ petition has been filed by the Petitioner under Articles 226 & 227 of the Constitution of India for quashing of FIR No. 697/2014, under Sections 420/34 IPC, registered at P.S.Ghazipur, Delhi and consequential proceedings arising therefrom.
2. Brief facts, as mentioned in the petition are that the above FIR was registered on the complaint of Respondent No.1 as he booked a residential plot in the joint name of his daughter-in-law and his wife with the petitioner No.1 company and paid Rs.8,84,221.25/-.
3. After registration of the FIR in question, the parties reached an amicable settlement and in terms of compromise petitioners agreed to pay Rs.18,00,000/- (Rupees Eighteen lacs only) to respondent in terms of full and final settlement. The Deed of Compromise dated 23.07.2015 is filed along with this petition as Annexure-4.

4. Respondent No.1/complainant is present in Court today. He submits that he has amicably settled the dispute with the Petitioners and is not interested in prosecuting the Petitioner and submits that the said FIR and all proceedings emanating therefrom may be quashed.

5. In view of the aforesaid compromise arrived at between the parties, I am of the considered view that no useful purpose would be served by continuing the criminal proceedings against the Petitioner, which will only be an exercise in futile and wastage of precious time of the Court.

6. However, in the facts and circumstances of the case, it is desirable that the Petitioner must be burdened with cost. Accordingly, the Petitioners are directed to deposit the cost of Rs 50,000/- with the “Army Central Welfare Fund” at Director, Accounts Section, Room No.281B, Ceremonial and Welfare Directorate, Adjutant General’s Branch, South Block, Integrated HQ of MoD (Army), New Delhi, within four weeks from today and proof thereof shall be placed on record.

7. Accordingly, the petition is allowed and FIR No. 697/2014, under Sections 420/34 IPC, registered at P.S.Ghazipur, Delhi and consequential proceedings arising therefrom are hereby quashed subject to deposit of cost by the Petitioners herein.

8. A copy of this order be sent to the Director, Accounts Section, Room No.281B, Ceremonial and Welfare Directorate, Adjutant General’s Branch, South Block, Integrated HQ of MoD (Army), New Delhi for information.

Order *dasti*.

PRATIBHA RANI, J.

FEBRUARY 15, 2016

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