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

+ **W.P.(CRL) 2895/2015**

RAJ KUMAR GANDHI & ORS

..... Petitioners

Through: Mr.M.G.Vacher, Advocate with
petitioners in person.

versus

THE STATE NCT OF DELHI & ANR

..... Respondents

Through: Mr.Sanjay Lao, APP for the State/R-1
with Mr.Siddarth Sindhu, Advocate.
Complainant/respondent No.2 in
person.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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21.01.2016

1. The present writ petition has been filed by the petitioners under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure for quashing of FIR No.233/2015, under Sections 406/420/34 IPC, registered at P.S. Kingsway Camp/Model Town, Delhi and consequential proceedings arising therefrom.

2. Briefly stating, the FIR in question has been registered on the basis of statement made by respondent No.2/complainant in respect of the dispute that arose between her and the petitioner regarding a transaction in respect of sale of third floor with roof rights of Property No.F-23, Model Town-II, Delhi.

3. It is mentioned in the petition that pending investigation in the FIR in question, the parties have arrived at an amicable settlement. Copy of the

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MOU/Compromise/settlement Deed dated 01.10.2015 has also been annexed with the petition as Annexure-P2.

4. Petitioners No.1 and 2 are present in person alongwith their counsel. Respondent No.2 is also present in person.

5. Learned counsel for the petitioners submits that the parties have arrived at an amicable settlement out of their own sweet will and today in terms of settlement dated 01.10.2015, the petitioners have handed over Pay Order for a sum ₹20 lacs to the complainant/respondent No.2. Learned counsel for the petitioners further submits that since the parties have settled their disputes amicably and complainant/respondent No.2 is not left with any grievance whatsoever against the petitioners, no useful purpose would be served by continuance of criminal proceedings against the petitioners, hence FIR in question may be quashed.

6. Respondent No.2/complainant submits that she has settled the dispute with the petitioners and today she has received pay order for a sum of ₹20 lacs from the petitioners. Respondent No.2 further submits that she has no objection if the FIR in question is quashed qua the petitioners.

7. On behalf of the State, it is submitted that currently the trend emerging is to initiate criminal proceedings to pressurize the other party to make the payment/settle the dispute in order to avoid arrest and prosecution. Thus, the complainant party is able to get the recovery effected without filing any civil suit or paying any court fee and in fact execution takes place on a non-existent decree so some cost must be imposed on the parties for wasting the precious time of the Court and using the State machinery virtually as a recovery agency.

8. On behalf of the petitioners, it is submitted that they are ready to

contribute the amount, considered reasonable by the Court, for the purpose of charity and benefit of that strata of society needing such help.

9. In view of the aforesaid amicable settlement 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 petitioners, which will only be an exercise in futile and wastage of precious time of the Court.

10. Accordingly, the petition is allowed and FIR No.233/2015, under Sections 406/420/34 IPC, registered at P.S. Kingsway Camp/Model Town, Delhi and all the proceedings arising therefrom are hereby quashed.

11. The petitioners are directed to deposit a sum of ₹25,000/- each (total cost of ₹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 two weeks from today and proof thereof shall be filed in the Registry within a week thereafter.

12. 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.

As prayed, copy of the order be given dasti to learned counsel for the parties.

PRATIBHA RANI, J.

JANUARY 21, 2016/‘st’