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

+ W.P.(CRL) 208/2017

M/S JMSW INFRACON PVT LTD

..... Petitioner

Through : Mr. Manoj Chaudhary and Mr.
Girish, Advs.

versus

STATE & ANR

..... Respondents

Through : Mr. Rajesh Mahajan, ASC for R-1
with SI Jai Kishan PS Malviya Nagar.
Mr. Hemant Manjani, Adv. for R-2 &
3 with Mr. Subhash Barjatya, attorney
of R-2 & 3 in person.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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28.03.2017

It is submitted that respondent nos.2 & 3 are brother and sister. FIR No.2043/2015 under Sections 420/406 IPC was registered at police station Malviya Nagar on the complaint of respondent no.3, Mrs. Neha Barjatya. Respondent no.3 alleged in the FIR that she and her brother, that is, respondent no.2 were interested in buying the property near to their parents' house, who are living at E-373, Greater Kailash-II, New Delhi. Property broker introduced her to petitioner, who agreed to sell the property for ₹3,70,00,000/-. ₹70,00,000/- was given as earnest money. Subsequently, petitioner sold the said property to some other person and did not return the

earnest money.

Learned counsels for the petitioner and respondents nos.2 & 3 submit that matter has been settled between the parties, therefore, FIR may be quashed. Photocopy of Settlement Agreement dated 31st December, 2015 has been placed on record. Respondent nos.2 & 3 are being represented through their attorney Mr. Subhash Barjatya, who is their father. Mr. Subhash Barjatya submits that entire settled amount has already been received by respondent nos.2 & 3 and respondent no.2 & 3 have no objection in case the FIR is quashed.

Keeping in mind the settlement arrived at between the parties, in the interest of justice, FIR No.2043/2015 under Sections 420/406 IPC registered at police station Malviya Nagar, is quashed.

Petition is disposed of in the above terms.

A.K. PATHAK, J.

MARCH 28, 2017/dk